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1 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

2 -----X
LARRY THOMPSON,

3 PLAINTIFF,

4
5 -against- Case No.
14-CV-7349

6
7 THE CITY OF NEW YORK, POLICE OFFICER
PAGIEL CLARK, SHIELD# 28472,
8 POLICE OFFICER PAUL MONTEFUSCO, SHIELD #10580,
POLICE OFFICERS JOHN/JANE DOES #S 1-10,

9 DEFENDANTS.

10 -----X

11
12 DATE: February 29, 2016
13 TIME: 10:59 A.M.

14
15
16 DEPOSITION of the Plaintiff, LARRY THOMPSON,
17 taken by the Defendant, pursuant to a Notice and to the
18 Federal Rules of Civil Procedure, held at the offices of
19 New York City Law Department, 100 Church Street, 4th
20 Floor, New York, New York 10007, before Germila Donald,
21 a Notary Public of the State of New York.
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1 S T I P U L A T I O N S

2
3 IT IS HEREBY STIPULATED AND AGREED, by and between the
4 attorneys for the respective parties herein, that filing
5 and sealing be and the same are hereby waived.
6 IT IS FURTHER STIPULATED AND AGREED that all objections,
7 except as to the form of the question, shall be reserved to
8 the time of the trial.
9 IT IS FURTHER STIPULATED AND AGREED that the within
10 deposition may be sworn to and signed before any officer
11 authorized to administer an oath, with the same force and
12 effect as if signed and sworn to before the Court.
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1 A P P E A R A N C E S:

2 THE LAW OFFICE OF DAVID ZELMAN

3 Attorney for the Plaintiff
LARRY THOMPSON
4 612 Eastern Parkway
Brooklyn, New York 11225
5 BY: DAVID ZELMAN, ESQ.
6

7 ZACHARY W. CARTER, ESQ.
CORPORATION COUNSEL

8 NEW YORK CITY LAW DEPARTMENT

9 Attorney for the Defendants
THE CITY OF NEW YORK, POLICE OFFICER
PAGIEL CLARK, SHIELD# 28472,
10 POLICE OFFICER PAUL MONTEFUSCO, SHIELD #10580,
POLICE OFFICERS JOHN/JANE DOES #S 1-10
11 100 Church Street
New York, New York 10007
12 BY: KAVIN THADANI, ESQ.
File #: 2015-003074
13 Claim #: 160647
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1 L A R R Y T H O M P S O N, called as a witness, having
2 been first duly sworn by a Notary Public of the State of
3 New York, was examined and testified as follows:

4 E X A M I N A T I O N B Y

5 M R. T H A D A N I:

6 Q. Please state your name for the record.

7 A. Larry Thompson.

8 Q. Where do you reside?

9 A. 339 Lincoln Place, Apartment 2E, Brooklyn, New
10 York 11238.

11 Q. Good morning.

12 A. Good morning.

13 Q. My name is Kavin Thadani. I am here today on
14 behalf of the City of New York, Officer Pagiel Clark,
15 and Officer Montefusco. Could you again please
16 state your full name.

17 A. Larry Thompson.

18 Q. How are you feeling this morning?

19 A. Not too good.

20 Q. Why do you say that?

21 A. Usually my back gives me problems in the
22 morning. And my neck.

23 Q. And other than that, how are you feeling?

24 A. I'm feeling pretty good as far as being here.

25 Q. Okay. And did you sleep okay last night?

1 (Pages 1 to 4)

5

1 A. Not too good.
 2 Q. Why do you say that?
 3 A. I was constantly searching for a comfortable
 4 spot to sleep.
 5 Q. How many hours would you say you slept last
 6 night?
 7 A. Four and a half.
 8 Q. Four and a half hours?
 9 A. Yes.
 10 Q. Are you currently taking any medications?
 11 A. No.
 12 Q. Have you consumed any alcohol in the last 24
 13 hours?
 14 A. No.
 15 Q. Is there any reason why you cannot testify
 16 truthfully and accurately here today?
 17 A. No.
 18 Q. Do you know that you are under oath?
 19 A. Yes.
 20 Q. And although we are in a somewhat informal
 21 setting, do you know that your testimony carries the
 22 same weight today as if you were testifying in court?
 23 A. I understand.
 24 Q. Okay. I want to go over a couple of ground
 25 rules. If you don't understand any of my questions,

6

1 please let me know and I will rephrase if for you.
 2 A. Okay.
 3 Q. If you do answer one of my questions, I will
 4 assume that you understood it.
 5 A. Okay.
 6 Q. Also, keep your voice up as much as possible
 7 for both myself, who is hard of hearing and two, for the
 8 purpose of the court reporter. Is that okay?
 9 A. Yes.
 10 Q. I also ask that you -- and you have been doing
 11 so -- give verbal responses to all of my questions.
 12 Please don't nod your head or say uh-huh or uh-uh. That
 13 will be difficult for the court reporter to take down
 14 your answers. Does that make sense?
 15 A. I understand.
 16 Q. Wait until I finish my question before you
 17 answer. And I will do the same before I begin asking my
 18 next question.
 19 A. Okay.
 20 Q. At any point you want to take a break, let us
 21 know and we can do that, all right?
 22 A. Okay.
 23 Q. Now, what did you do to prepare for your
 24 deposition today?
 25 A. Nothing.

7

1 Q. Did you speak with your attorney?
 2 A. A few seconds ago. And on the phone.
 3 Q. And was anyone else present when you went and
 4 spoke with your attorney?
 5 A. No.
 6 Q. Did you review any documents in preparation
 7 for today's deposition?
 8 A. No.
 9 Q. Did you bring anything with you today in
 10 connection with your lawsuit?
 11 A. No.
 12 Q. What is your date of birth?
 13 A. August 30, 1972.
 14 Q. What is your height?
 15 A. I'm 5-7.
 16 Q. What is your weight?
 17 A. 185 pounds.
 18 Q. And what was your weight back in January 2014?
 19 A. It never goes over 180 to 185 pounds.
 20 Q. Are you known by any other names besides
 21 Larry Thompson?
 22 A. Yes.
 23 Q. What name is that?
 24 A. Pumpkin.
 25 MR. ZELMAN: What is it?

8

1 THE WITNESS: Pumpkin.
 2 Q. Is that a sort of nickname?
 3 A. Yes. I have been living in the neighborhood a
 4 long time.
 5 Q. Who refers to you as Pumpkin?
 6 A. All my neighbors.
 7 Q. Are you known by any other names besides
 8 Pumpkin, Larry?
 9 A. No. Larry Thompson.
 10 Q. What is your current address?
 11 A. 399 Lincoln Place. Same address, 339 Lincoln
 12 Place Underhill, Washington, Apartment 2E.
 13 Q. How long have you lived there?
 14 A. Twenty-two years.
 15 Q. Who lives with you at that apartment?
 16 A. My fiancée, my daughter, and my youngest son.
 17 Q. What is your fiancée's name?
 18 A. Taleta Watson.
 19 Q. Can you spell that?
 20 A. T-A-L-E-T-A, W-A-T-S-O-N.
 21 Q. How long have you been engaged to Ms. Watson?
 22 A. Two years.
 23 Q. How long have you been dating Ms. Watson?
 24 A. Five years.
 25 Q. Now, you mentioned you have two children.

2 (Pages 5 to 8)

<p>9</p> <p>1 What are their ages?</p> <p>2 A. Nalah is two. And Zacharia is 17.</p> <p>3 Q. Seventeen years old?</p> <p>4 A. Yes.</p> <p>5 Q. Do you have any other children besides those</p> <p>6 two?</p> <p>7 A. Yes.</p> <p>8 Q. How many other children do you have?</p> <p>9 A. Three.</p> <p>10 Q. How old are they?</p> <p>11 A. Naya, she is 18. Elijah is 19, and Josiah is</p> <p>12 12. I'm sorry, 13.</p> <p>13 Q. Do you have children with Ms. Watson?</p> <p>14 A. Yes.</p> <p>15 Q. How many?</p> <p>16 A. One.</p> <p>17 Q. Who is that?</p> <p>18 A. Nalah.</p> <p>19 Q. Can you spell that?</p> <p>20 A. N-A-L-A-H.</p> <p>21 Q. Did you go to college?</p> <p>22 A. I didn't finish.</p> <p>23 Q. Did you go to college?</p> <p>24 A. New York Technical College.</p> <p>25 Q. How long were you there?</p>	<p>11</p> <p>1 Saturday and Sundays?</p> <p>2 A. Yes. And I am off on Mondays and Tuesdays.</p> <p>3 Q. And you work 8:00 to 4:30 on Saturdays and</p> <p>4 Sundays?</p> <p>5 A. Yes.</p> <p>6 Q. How long have you worked at the United States</p> <p>7 Postal Service?</p> <p>8 A. Since 1994.</p> <p>9 Q. During that entire time period, did you work</p> <p>10 at the same facility?</p> <p>11 A. Yes.</p> <p>12 Q. What is your job at the United States Postal</p> <p>13 Service?</p> <p>14 A. Carpenter.</p> <p>15 Q. What do you mean by that, what do you do?</p> <p>16 A. Maintenance, carpentry.</p> <p>17 Q. Is your job title carpenter?</p> <p>18 A. Yes.</p> <p>19 Q. What kind of tasks do you do there as a</p> <p>20 carpenter?</p> <p>21 A. Senior. There I basically plan and foreman</p> <p>22 the jobs.</p> <p>23 Q. Can you say that again?</p> <p>24 A. I supervise the jobs that are given</p> <p>25 throughout.</p>
<p>10</p> <p>1 A. For one semester.</p> <p>2 Q. Is there any reason why you did not finish?</p> <p>3 A. My children.</p> <p>4 Q. Where did you go to high school?</p> <p>5 A. North Carolina.</p> <p>6 Q. Are you currently employed?</p> <p>7 A. Yes.</p> <p>8 Q. Where do you work?</p> <p>9 A. United States Postal Service.</p> <p>10 Q. What's the address of the facility that you</p> <p>11 work in?</p> <p>12 A. 380 West 33rd Street, New York, New York.</p> <p>13 Q. Are you full-time or part-time?</p> <p>14 A. Full-time.</p> <p>15 Q. What is your regular shift?</p> <p>16 A. From 8:00 to 4:30.</p> <p>17 Q. Is that Monday through Friday?</p> <p>18 A. Yes.</p> <p>19 Q. Do you ever work on the weekends?</p> <p>20 A. Yes.</p> <p>21 Q. How much?</p> <p>22 A. Well actually, my time has changed now. It's</p> <p>23 now I work the weekends. I am off on Mondays and</p> <p>24 Tuesdays now.</p> <p>25 Q. When you say you worked weekends, you worked</p>	<p>12</p> <p>1 Q. How long have you been supervising jobs?</p> <p>2 A. In the last six years.</p> <p>3 Q. How about before that, what were you doing</p> <p>4 then?</p> <p>5 A. Same thing. I was not in supervision. Just a</p> <p>6 carpenter.</p> <p>7 Q. What were your tasks there then?</p> <p>8 A. To maintain spaces of the United States Postal</p> <p>9 Service.</p> <p>10 Q. Can I ask you to elaborate as to what you mean</p> <p>11 by that?</p> <p>12 A. To construct walls, or fix floors, anything of</p> <p>13 that nature.</p> <p>14 Q. Did you have to do lifting in connection with</p> <p>15 the job?</p> <p>16 A. Yes.</p> <p>17 Q. What kind of lifting?</p> <p>18 A. Plywood, Sheetrock.</p> <p>19 Q. You said you would do construction work as</p> <p>20 part of your job?</p> <p>21 A. Mostly maintaining. Not big jobs. Because</p> <p>22 they contract those jobs.</p> <p>23 Q. And was it your job with respect to being a</p> <p>24 carpenter only at this particular facility, West 33rd</p> <p>25 Street or work at other facilities at that time?</p>

13

1 A. All facilities in Manhattan.
 2 Q. Is West 33rd sort of your base?
 3 A. Yes.
 4 Q. What is your salary there at the United States
 5 Postal Service?
 6 A. \$65,000.
 7 Q. \$65,000 per year?
 8 A. Yes.
 9 Q. What was your salary there as of January 2014?
 10 A. It was that.
 11 Q. The same?
 12 A. Yes.
 13 Q. Did you have any other jobs?
 14 A. No.
 15 Q. I will direct your attention to your arrest,
 16 which is the subject of this lawsuit.
 17 A. Okay. Yes, sir.
 18 Q. Do you remember the date that you were
 19 arrested?
 20 A. Yes.
 21 Q. What was the date?
 22 A. It was a week after my daughter's birthday. I
 23 just came back from an appointment with our first visit
 24 to the doctor.
 25 MR. ZELMAN: Just answer the question.

14

1 A. The 15th.
 2 Q. The 15th of January?
 3 A. Yes.
 4 Q. What year?
 5 A. 2014.
 6 Q. Do you know what day that was?
 7 A. That was a weekday, I believe.
 8 Q. Do you know approximately what time you were
 9 arrested?
 10 A. Around 10:15, 10:30.
 11 Q. Night or morning?
 12 A. Night.
 13 Q. Where were you arrested?
 14 A. In my apartment.
 15 Q. What apartment was this, 339 Lincoln Place?
 16 A. Yes.
 17 Q. What had you been doing that day prior to your
 18 arrest?
 19 A. Took my daughter to the doctor. I came home,
 20 we were playing and me and her mother were talking with
 21 her.
 22 Q. Who was living at that apartment at the time?
 23 A. Me, my daughter, her mother, and her mother's
 24 sister.
 25 Q. What is her mother's sister's name?

15

1 A. Camille Watson.
 2 Q. Can you please spell that?
 3 A. I will do my best. C-A-M-E-I-L, something like
 4 that.
 5 MR. ZELMAN: You have to say you are not sure.
 6 Can you say that?
 7 THE WITNESS: Yes.
 8 Q. Can you spell her name?
 9 A. I'm sorry. I am not sure.
 10 Q. Camille Watson, you said?
 11 A. Yes.
 12 Q. How long had Camille Watson been living at
 13 your apartment that night?
 14 A. Maybe a year and a half. A year.
 15 Q. A year or a year and a half?
 16 A. I'm not sure.
 17 Q. And does Camille Watson still live in that
 18 apartment?
 19 A. No.
 20 Q. When did she move out?
 21 A. That January 15, 2014.
 22 Q. Why did she move out that day?
 23 A. I don't know.
 24 MR. ZELMAN: Objection as to why other people
 25 did things.

16

1 MR. THADANI: Duly noted.
 2 Q. You can answer.
 3 MR. ZELMAN: He did. He said he didn't know.
 4 Q. She moved out the same night that you were
 5 arrested?
 6 A. Yes.
 7 Q. Was she planning on moving out before the
 8 arrest?
 9 A. I don't know.
 10 Q. Well, do you remember speaking to her about
 11 moving out prior to you being arrested?
 12 A. No, I spoke with her sister.
 13 Q. Do you recall seeing her packing her bags or
 14 packing her stuff up?
 15 A. No.
 16 Q. At any point?
 17 A. No, sir.
 18 Q. How do you know that she moved out on January
 19 15th?
 20 A. Her sister told me.
 21 Q. When did she tell you?
 22 A. When I called from the precinct.
 23 Q. Why don't you walk me through that day
 24 Wednesday, January 15th; were you working that day?
 25 MR. ZELMAN: Objection to form.

4 (Pages 13 to 16)

17

1 A. No, because I took my daughter to the doctor.
 2 Q. So did you take the day off?
 3 A. Yes.
 4 Q. Why did you take your daughter to the doctor?
 5 A. It was our first visit appointment after being
 6 born.
 7 Q. How old was she at the time?
 8 A. A week old.
 9 Q. And do you remember what time you went to the
 10 doctor?
 11 A. Her appointment was around 1:00.
 12 Q. In the afternoon?
 13 A. Yes.
 14 Q. What did you do after the doctor's
 15 appointment? When was the doctor's appointment over?
 16 A. Around 2:30.
 17 Q. What happened after that?
 18 A. We got something to eat and went home.
 19 Q. What time did you get home?
 20 A. Close to 4:00.
 21 Q. And from the time that you got home at 4:00 to
 22 the time you got arrested, did you leave your apartment
 23 at all?
 24 A. No. Maybe I went to the store, but I can't
 25 remember.

18

1 Q. What were you doing when you were at home
 2 between the time of 4:00 to the time that you were
 3 arrested?
 4 A. I was interacting with my daughter and her
 5 mother.
 6 Q. Had you consumed any drugs, or alcohol, or
 7 intoxicating substance in the 24 hours before your
 8 arrest?
 9 A. No.
 10 Q. Were you on any medications at the time?
 11 A. No.
 12 Q. Did there come a time when anyone knocked on
 13 your door, your apartment door?
 14 A. Yes.
 15 Q. When?
 16 A. That was 10:00 or about 10:00 or so at night.
 17 It was the police.
 18 Q. Before the police came to your door, did
 19 anyone else knock on your door?
 20 A. No.
 21 Q. Do you recall ever emergency medical
 22 technicians knocking on your door?
 23 A. No.
 24 Q. Do you know what I mean when I say emergency
 25 medical technician?

19

1 A. Yes.
 2 Q. What is your understanding of that?
 3 A. EMS.
 4 Q. Do you recall ever seeing any EMS or Emergency
 5 Medical Technicians?
 6 A. Yes.
 7 Q. When?
 8 A. When I heard a noise in the hallway of my
 9 apartment.
 10 Q. When did you hear a noise in your hallway?
 11 A. That was before everything happened.
 12 Q. Okay. So do you know approximately how --
 13 A. I don't know the time.
 14 Q. What kind of noise did you hear?
 15 A. It was a slight noise, but I had to go to the
 16 bathroom and the bathroom is toward the back of the
 17 apartment.
 18 Q. Did you investigate what the noise was?
 19 A. No, I was going out the door and I saw who it
 20 was.
 21 Q. So you left your apartment at that point in
 22 time?
 23 A. No, I left my room, the front part of the
 24 apartment, to the bathroom.
 25 Q. And you heard a noise in the hallway of your

20

1 apartment unit itself?
 2 A. As I got closer to the door, I was going to
 3 the bathroom.
 4 Q. And you heard a noise in what location
 5 particularly?
 6 A. In the hallway of inside of my apartment.
 7 Q. And did you find out what the noise was caused
 8 by?
 9 A. When I open the door, yes.
 10 Q. What was this?
 11 A. It was her sister and two EMS workers.
 12 Q. And that is before the police knocked on your
 13 door?
 14 A. Yes.
 15 Q. Can you describe the EMS workers?
 16 A. Describe them? Heavyside, appear to be white
 17 person, and a kind of slim black person.
 18 Q. Do you know their names?
 19 A. No.
 20 Q. Did you talk with them at all?
 21 A. Yes.
 22 Q. What did you say?
 23 A. What seems to be the problem? I figured they
 24 were her friend.
 25 Q. I am sorry. Say that again?

5 (Pages 17 to 20)

21

1 MR. ZELMAN: Answer the question, please.
 2 Repeat what you said, but answer the question.
 3 A. I figured they were her friends.
 4 Q. Whose friends?
 5 A. Her sister's.
 6 Q. Camille?
 7 A. Yes.
 8 Q. Were they in uniform?
 9 A. Yes.
 10 Q. What kind of uniform with they wearing?
 11 A. EMS.
 12 Q. Well, do you know how they got into your
 13 apartment?
 14 A. Not at that point in time, no.
 15 Q. Did you ever find out?
 16 A. I mean, I assumed Camille had answered the
 17 door.
 18 Q. What were the EMS doing when they were inside
 19 of your apartment?
 20 A. They were huddled together with Camille.
 21 Q. And then you asked what is the problem, what
 22 did they say?
 23 A. They said "We had an anonymous phone call
 24 about a child being abused." I thought they had the
 25 wrong apartment.

22

1 Q. Where were they exactly when you had this
 2 conversation?
 3 A. Right outside my bedroom door.
 4 Q. How many rooms are there in your apartment?
 5 A. It's a three-bedroom.
 6 Q. Did you hear them knock on the door at any
 7 point?
 8 A. No.
 9 Q. Would you normally be able to hear someone
 10 knock on the door from your bedroom?
 11 A. It depends.
 12 Q. What does it depend on?
 13 A. Sometimes I can hear.
 14 Q. I am sorry. I did ask you this before, but
 15 who else was present at your apartment at the time prior
 16 to the EMS agents being there?
 17 A. Me, my daughter, and her sister had came to
 18 stay for a while. But she was staying there.
 19 Q. That's Camille?
 20 A. Yes.
 21 Q. Was Taleta there as well?
 22 A. Yes.
 23 Q. Anyone else?
 24 A. No.
 25 Q. When you were speaking with the EMS workers

23

1 where was your daughter at the time?
 2 A. On the bed, laying with her mother.
 3 Q. In another room?
 4 A. Right in the room.
 5 Q. Which room?
 6 A. No, in our bedroom.
 7 Q. In your bedroom?
 8 A. Yes.
 9 Q. And you said at this point the EMS workers
 10 were outside of your bedroom?
 11 A. Yes.
 12 Q. So you asked them what happened, they got an
 13 anonymous call, and then what happened?
 14 A. I said it must be a mistake, not here. It
 15 must be another apartment.
 16 Q. And then what happened?
 17 A. I said, you know, y'all can leave. This is
 18 not here.
 19 Q. And then?
 20 A. Then I proceeded to suggest an apartment it
 21 might.
 22 Q. Which apartment did you suggest?
 23 A. The ones that have kids.
 24 Q. Can you be more specific what apartments that
 25 you suggested?

24

1 A. The first floor had a baby. And the third
 2 floor.
 3 Q. Was the first time that you encountered these
 4 EMS agents inside your apartment?
 5 A. Say it again.
 6 Q. Was it the first time that you encountered the
 7 EMS workers inside your apartment unit?
 8 A. Yes.
 9 Q. So you suggested some other apartments then
 10 what happened?
 11 A. They walked out.
 12 Q. They left?
 13 A. They left.
 14 Q. Did they at any time take a look at your
 15 daughter?
 16 A. No.
 17 Q. Did they ever speak to Taleta?
 18 A. They never asked.
 19 Q. Did they say anything else when they left?
 20 A. No.
 21 Q. What was your demeanor like when were you
 22 speaking with them?
 23 MR. ZELMAN: Objection to form.
 24 A. Confused.
 25 Q. Were you angry that they were inside of your

6 (Pages 21 to 24)

25

1 apartment?
 2 A. No.
 3 Q. Were you annoyed that they were inside of your
 4 apartment?
 5 A. I could say I was annoyed at Camille. She
 6 always does stuff like that.
 7 Q. What do you mean by that?
 8 A. She always -- she's kind of slow.
 9 Q. What do you mean by that?
 10 A. She's mentally slow.
 11 Q. So what happened after the EMS workers left?
 12 A. I went back and I was talking with my
 13 daughter's mother. And I told her exactly what
 14 happened.
 15 Q. What did you tell her specifically?
 16 A. Camille let some people in the apartment
 17 without any good reason.
 18 Q. And then?
 19 A. She was like what, you know.
 20 Q. And then?
 21 A. She went to talk with Camille.
 22 Q. Do you know what they talked about?
 23 A. No.
 24 Q. Where were you when Taleta went to speak with
 25 Camille?

26

1 A. I think they spoke in the kitchen or so. I'm
 2 not sure.
 3 Q. You don't know what they talked about?
 4 A. No.
 5 Q. What happened next?
 6 A. I don't know. I figured everything was back
 7 to normal.
 8 Q. Did you ask anyone in the apartment if they
 9 called 911?
 10 A. I asked the EMS.
 11 Q. What did you ask them?
 12 A. Who called. They said a neighbor.
 13 Q. Did they say who?
 14 A. No. They can't tell me.
 15 Q. Did they tell you anything else?
 16 A. No.
 17 Q. And then you said at some point police
 18 officers knocked on your door; is that right?
 19 A. Yes.
 20 Q. How much time passed between the time EMS
 21 workers left your apartment and the time the police
 22 officers first knocked on your door?
 23 A. About five minutes.
 24 Q. During that five minutes, did you stay in your
 25 apartment unit?

27

1 A. Yes.
 2 Q. You said there were two EMS workers?
 3 A. Yes.
 4 Q. Did they have equipment with them?
 5 A. Yes, I believe so.
 6 Q. What did they have?
 7 A. I think it was stretchers, a little chair.
 8 I'm not sure.
 9 Q. Did you ask anyone inside of your apartment if
 10 they called 911?
 11 A. Yes.
 12 Q. Who did?
 13 A. Camille.
 14 Q. What did she say?
 15 A. No, she did not.
 16 Q. Did you ask anyone else?
 17 A. There is no one else to ask.
 18 Q. Did you ask Taleta?
 19 A. No, I was with her.
 20 Q. Did you ask Camille why she opened the door?
 21 A. She said because they knocked.
 22 Q. What did you say when she said that?
 23 A. I told her, I said "You can't just let people
 24 walk into the apartment without, you know, because they
 25 knocked on the door."

28

1 Q. Did you have any other conversation with her
 2 at that time?
 3 A. Her sister usually talks with her.
 4 Q. So tell me what happened when the police
 5 officers knocked on your door?
 6 MR. ZELMAN: Objection to form.
 7 Q. You can answer.
 8 A. Sorry?
 9 Q. You said police officers knocked on your door?
 10 A. Yes.
 11 Q. What happened when they knocked on the door,
 12 did you answer the door?
 13 A. Yes.
 14 Q. What happened then when you opened the door,
 15 what did you see?
 16 A. I saw four police officers.
 17 Q. Can you describe them?
 18 A. It was a white man and a black man, and two
 19 white cops.
 20 Q. Can you say that again?
 21 A. It was a total of four cops. Three white and
 22 one short black cop.
 23 Q. Do you know their names?
 24 A. I heard it was an Italian name was the guy
 25 that was doing the work.

7 (Pages 25 to 28)

29

1 Q. How do you know it was an Italian name?
 2 A. I was looking at his nameplate.
 3 Q. Did you see anyone else when you opened the
 4 door besides those four police officers?
 5 A. EMS was all the way in the back towards the
 6 steps.
 7 Q. How far back?
 8 A. By the next apartment. My neighbor's
 9 apartment.
 10 Q. What unit is that?
 11 A. That is 2H.
 12 Q. How many feet away is the apartment 2H, away
 13 from your apartment?
 14 A. Approximately 20 feet.
 15 Q. You said 20 feet?
 16 A. Yes, 20, 25 feet.
 17 Q. So the apartment next to yours is 20 feet
 18 away?
 19 A. Across the hall. Not right next to.
 20 Q. How far away were the EMS away from your front
 21 door?
 22 A. About that.
 23 Q. How many EMS workers were there?
 24 A. Two.
 25 Q. The same two that were inside of your

30

1 apartment earlier?
 2 A. Yes.
 3 Q. Were you surprised that they were there?
 4 A. Yes.
 5 Q. Why were you surprised?
 6 A. I thought it was all over. Still they were
 7 making a mistake as far as the apartment.
 8 Q. So you answered the door?
 9 A. Yes.
 10 Q. Who spoke first?
 11 A. A white cop spoke first.
 12 Q. And you said you don't know his name or you
 13 do?
 14 MR. ZELMAN: Objection.
 15 Q. Let me ask you this way. Can you describe him
 16 for more than he was white?
 17 A. He had dark hair. A little taller than me. I
 18 will know him if I see him.
 19 Q. Was he in uniform?
 20 A. Yes.
 21 MR. ZELMAN: Can I show him a caption in the
 22 case. Would that be all right?
 23 MR. THADANI: That will not be necessary.
 24 Q. Can you describe his uniform?
 25 A. It was a dark blue uniform.

31

1 Q. Were all the police officers in uniform?
 2 A. Yes.
 3 Q. Were they all wearing the same uniform,
 4 basically?
 5 A. Yes.
 6 Q. Same shirt?
 7 A. Yes.
 8 Q. So this police officer spoke to you, what did
 9 he say?
 10 A. I said, "Goodnight officers, is there a
 11 problem? And he said "Yes, we got a complaint."
 12 Q. And at this point where were you standing, in
 13 the doorway?
 14 A. My door opened inside the apartment.
 15 Q. So your door was fully open at this point?
 16 A. Yes.
 17 Q. And were you standing in the doorway?
 18 A. Yes.
 19 Q. And what happened after the police officer
 20 said we got a complaint?
 21 A. He said "We got a complaint." I said "What
 22 kind of complaint?"
 23 Q. What else did you say?
 24 A. I spoke.
 25 Q. So you opened the door, what did you say when

32

1 you opened the door?
 2 A. I said "Good night."
 3 Q. And the police officers said?
 4 A. "We got a complaint."
 5 MR. THADANI: Why don't we stop to take your
 6 break.
 7 MR. ZELMAN: Thank you.
 8 (Whereupon, at this time, counsel and the
 9 witness left the deposition suite for a
 10 conference.)
 11 MR. THADANI: Back on the record.
 12 Q. We just took a break, right?
 13 A. Yes.
 14 Q. Did you speak with your attorney during the
 15 break?
 16 A. Yes.
 17 Q. For how long?
 18 A. Not long.
 19 Q. Can you estimate how long it was?
 20 A. A few seconds.
 21 Q. Let me ask you this. How do you enter your
 22 apartment building?
 23 A. There are two doors. You mean the apartment
 24 building?
 25 Q. Not the unit, the building itself.

8 (Pages 29 to 32)

33

1 A. Two steps, two doors, one door then another
 2 two steps.
 3 Q. How many floors are there?
 4 A. Four.
 5 Q. Do you know how many units in the building?
 6 A. Sixteen.
 7 Q. Can you just open the front door to the
 8 building or you need to get let in?
 9 A. You need to get let in.
 10 Q. If I was visiting your apartment, how would I
 11 get into your apartment?
 12 A. I would buzz them.
 13 Q. And when somebody buzzes the bell, would you
 14 hear it in your apartment?
 15 A. Yes.
 16 Q. Did you hear a buzz in your apartment that
 17 night?
 18 A. No.
 19 Q. Do you know how EMS workers got into your
 20 building?
 21 A. No.
 22 Q. Do you know how police officers got into your
 23 building, apartment building?
 24 A. No.
 25 Q. You mentioned earlier that you have back

34

1 problems in the morning; is that correct?
 2 A. Yes.
 3 Q. When did that start?
 4 A. After the incident.
 5 Q. That was the first time?
 6 A. Yes. Not the first time, but it was feeling
 7 better.
 8 Q. What was feeling better?
 9 A. My back.
 10 Q. When did you start having back problems in the
 11 morning?
 12 A. After that incident.
 13 Q. After which incident?
 14 A. The January 15th incident with the police.
 15 Q. So you never had back problems before January
 16 15, 2014?
 17 A. They had subsided. For a long time it was
 18 pretty good.
 19 Q. So let me ask you this. Before January 15,
 20 2014, when was the last time prior to that that you had
 21 back problems?
 22 MR. ZELMAN: Objection to form.
 23 Q. You can answer.
 24 A. A couple years.
 25 Q. Can you be more specific?

35

1 A. Two years.
 2 Q. So in the two years prior to the incident on
 3 January 15, 2014, you had no back problems at all?
 4 MR. ZELMAN: Objection to form.
 5 A. Yes. Nothing debilitating.
 6 Q. What do you mean by debilitating?
 7 A. I can't use the bathroom properly, things you
 8 know like when you are in pain. Pain.
 9 Q. You mentioned that there were four police
 10 officers outside your door when you opened it, correct?
 11 A. Yes.
 12 Q. How were they standing?
 13 A. There were two and two.
 14 Q. Two by two?
 15 A. Yes.
 16 Q. You said one of the police officers said to
 17 you that we got a complaint?
 18 A. Yes.
 19 Q. What happened after that?
 20 A. They said "We got a complaint and we need to
 21 come in."
 22 Q. They said they need to come in?
 23 A. Yes.
 24 Q. What did you say?
 25 A. I said "Give me a good reason."

36

1 Q. You mentioned that they were there when you
 2 opened your door, you saw four police officers and two
 3 EMS workers; is that right?
 4 A. Yes.
 5 Q. Did you see anyone else?
 6 A. My neighbor.
 7 Q. Which neighbor is that?
 8 A. Annetta.
 9 Q. Anyone else?
 10 A. That's it.
 11 Q. How far was Annetta Archer?
 12 A. Across the hall.
 13 Q. How many feet away?
 14 A. Close to where the EMS were.
 15 Q. Standing next to the EMS workers?
 16 A. Looking out her door. She had her door
 17 cracked.
 18 Q. How much was her door open?
 19 A. Not far. I saw her.
 20 Q. You saw her head popping out, essentially?
 21 A. Yes, I saw her face.
 22 Q. So you told the police officers to give me a
 23 reason, what was your demeanor at that time?
 24 A. Confused.
 25 Q. Were you angry that they were there?

9 (Pages 33 to 36)

37

1 A. Not necessarily, no.
 2 Q. Were you annoyed that they were there?
 3 A. I was basically confused, thinking they had
 4 the wrong apartment.
 5 Q. Were you annoyed that they were there since
 6 the EMS workers had already been in your apartment?
 7 A. My fiancée was not totally dressed. So
 8 basically I was a little like protective, yes.
 9 Q. And when you said she was not totally dressed,
 10 what do you mean by that?
 11 A. We were on the bed, talking and she was in an
 12 underwear and T-shirt.
 13 Q. Is that true when the EMS workers were in your
 14 apartment earlier?
 15 A. Yes.
 16 Q. When you say you were being protective, what
 17 do you mean by that?
 18 A. I don't know what to do.
 19 Q. What happened then?
 20 A. I said "Can you give me a good reason?"
 21 Q. Okay and what happened then?
 22 A. We got an anonymous phone call from one of
 23 your neighbors that you are abusing your child, that a
 24 child is being abused.
 25 Q. Are you paraphrasing or is that exactly what

38

1 they said?
 2 A. That is exactly what he said.
 3 Q. What happened?
 4 A. Anybody can call up and make a complaint like
 5 that and this is the result?
 6 Q. That was your response?
 7 A. Yes.
 8 Q. Really?
 9 A. Yes.
 10 Q. And then what happened?
 11 A. He said "We can't come in?" I said "Not
 12 without a search warrant. I don't agree to your coming
 13 in without one." And then they jumped on me.
 14 Q. Who jumped on you?
 15 A. Montefusco. He was the one that just grabbed
 16 me and started choking on me. And next thing you know,
 17 more cops came and then my neighbor came. And the
 18 neighbors, you know. They threw me on the floor. And
 19 then they punched me, kicked me. And, you know, pretty
 20 much beat me up.
 21 Q. Did any of the police officers try to enter
 22 your apartment?
 23 A. No.
 24 MR. ZELMAN: Objection to form.
 25 Q. You can answer.

39

1 A. I mean, they tried when I came in, they ran in
 2 my apartment and grabbing on me, beat me up, threw me on
 3 the floor.
 4 Q. How many of them?
 5 A. Four of them and then more came, six, if not
 6 more. They filed in.
 7 Q. How many police officers would you say there
 8 were in total?
 9 A. Six.
 10 Q. When did the other two come?
 11 A. During the beating.
 12 Q. How long after you answered the door?
 13 A. Like not too long after that.
 14 Q. How long would you say this, as you called it,
 15 beating, lasted?
 16 A. Until my neighbor finally came over and asked
 17 them to stop.
 18 Q. And this is Annetta Archer?
 19 A. Yes.
 20 Q. Can you tell me how much time that was?
 21 A. I don't know.
 22 Q. Is it longer than a minute, less than a
 23 minute?
 24 A. It was way longer than a minute.
 25 Q. Longer than two minutes?

40

1 A. I don't know quite when it stopped. Because
 2 they were still on my back. After they were talking to
 3 the front of the apartment, then I had the handcuffs on.
 4
 5 Q. Did you ever curse at the police officers?
 6 A. Maybe when we got to the precinct.
 7 Q. What did you say?
 8 A. Y'all got the wrong F'n dude or I might have
 9 said this would not have happened if I was white. Y'all
 10 would not have done this if I was white. And, you know,
 11 y'all would not have done this to me if I was white.
 12 Q. Who did you say that to?
 13 A. To Montefusco, all of them.
 14 Q. Did he say anything response?
 15 A. He said, "You should have just let me come in
 16 your house."
 17 Q. Did he say anything else?
 18 A. That was it.
 19 Q. Did you say anything else?
 20 A. No.
 21 MR. ZELMAN: Objection to form.
 22 Q. There was an African-American police officer
 23 there, right?
 24 A. Yes.
 25 Q. You said two more police officers arrived, can

10 (Pages 37 to 40)

41

1 you describe them?
 2 A. Yes. They were white, heavyset, one had black
 3 hair, one had brownish hair. If I am not mistaken.
 4 Q. You don't know their names, correct?
 5 A. Correct.
 6 Q. How many police officers is it in total were
 7 involved in what we call this beating?
 8 A. First it was four and then two more came, that
 9 is six.
 10 Q. What were the EMS workers doing?
 11 A. They were standing outside the apartment.
 12 Q. You didn't say anything during this time?
 13 MR. ZELMAN: Objection. What time?
 14 Q. You can answer.
 15 A. When they were fighting me, basically I said
 16 "I give up."
 17 Q. When did you say that?
 18 A. As soon as they grabbed me, I thought you
 19 would have said you are under arrest or something. As
 20 soon as that happened, I never expected that.
 21 Q. Did you say anything else?
 22 A. I give up.
 23 Q. Did you say anything else?
 24 A. Y'all have it, y'all got it.
 25 Q. Y'all have it?

42

1 A. Yes.
 2 Q. What do you mean by that?
 3 A. I'm not resisting. Y'all have me on the
 4 floor.
 5 Q. What else?
 6 A. No.
 7 Q. Did you curse at that time?
 8 A. Curse?
 9 Q. You didn't say get off me?
 10 A. No, I didn't say that. They were choking me.
 11 Q. Who was choking you?
 12 A. The first one that was on me. First thing I
 13 did was try to go down on the floor and they were not
 14 letting that happen.
 15 Q. Did you threaten any of the police officers?
 16 A. No.
 17 Q. Why didn't you let them in?
 18 MR. ZELMAN: Objection to form.
 19 A. Why didn't I let them in? First they looked
 20 at me. And first off, it's not that I did not let them
 21 in, I wanted a sergeant, or a super to tell me what is
 22 going on. Something. So it was not the point of not
 23 letting them in. They are the police. But that was
 24 never the issue. The issue was clearing up. I wanted
 25 to let my daughter's mother get decent.

43

1 Q. Did you say that?
 2 A. I could not. I didn't have time.
 3 Q. Did they not explain to you why they wanted to
 4 come in?
 5 A. No, not really. To me, it could have been a
 6 mad neighbor, it could have been anybody. So basically,
 7 my daughter is newborn and they got radios chirping and
 8 all that noise. I figured that if it was that serious
 9 that they would -- I thought I had legal rights or
 10 something. To just let a bunch of people I don't know
 11 or something, that sounds to me like something crazy.
 12 So I don't know. Maybe.
 13 Q. You don't think that if they hear that there
 14 are allegations of child abuse, they should not
 15 investigate it?
 16 MR. ZELMAN: Objection. You are asking for
 17 his opinion now?
 18 MR. THADANI: Yes. He can answer.
 19 MR. ZELMAN: I will object.
 20 MR. THADANI: On what grounds?
 21 MR. ZELMAN: It is palpably improper. He is a
 22 fact witness. He is not here to answer questions
 23 on what he thinks is right. You can mark it for a
 24 ruling if you want. I can't possibly see any
 25 reason for that question.

44

1 Q. Did the police officers ever give you any
 2 warning at any point?
 3 A. Nobody wants to go to jail.
 4 MR. ZELMAN: Just try to answer the question.
 5 Q. Nobody wants to go to jail, why didn't you let
 6 them in?
 7 MR. ZELMAN: Objection.
 8 A. I didn't know that it would result to that.
 9 Q. Would it have been easier to just let him in,
 10 though?
 11 MR. ZELMAN: Okay. Don't answer that.
 12 A. First, if I knew they were coming to beat me
 13 up, I would have let them 99 what they wanted.
 14 Q. Did you make physical contact with any of the
 15 police officers?
 16 MR. ZELMAN: Objection to form.
 17 A. No, never, with nobody.
 18 Q. Did you ever push one of the police officers?
 19 A. No.
 20 Q. Did you shove one of the police officers?
 21 A. No.
 22 Q. Did you slap one of the police officers?
 23 A. No.
 24 Q. You are aware that you are under oath, right?
 25 A. I'm aware.

11 (Pages 41 to 44)

45

1 Q. Do you know what perjury is?
 2 A. Yes.
 3 MR. ZELMAN: Objection.
 4 Q. What is it?
 5 A. Not telling the truth.
 6 Q. Do you know what the consequences are for not
 7 telling the truth?
 8 A. Yes.
 9 Q. You say you didn't make any physical contact
 10 with the police officers?
 11 A. No, sir.
 12 MR. ZELMAN: Objection.
 13 A. Then I would be asking for some problems.
 14 Q. I am sorry?
 15 A. If you touch an officer everybody knows -- I
 16 never thought of putting my hands on anyone. You don't
 17 touch police officers.
 18 MR. ZELMAN: Try to answer the question.
 19 A. I never even thought about putting my hands on
 20 any police officer.
 21 Q. Did you block your doorway from stopping them
 22 from getting in?
 23 A. I had to hold it open. But that was it.
 24 Q. How long after you open the door would you say
 25 the police officers contacted you, made physical contact

46

1 with you?
 2 A. Real quick. I would say a matter of seconds.
 3 Maybe thirty seconds, if that long.
 4 Q. And it's right that you asked them for a good
 5 reason after they told you that they got a call of a
 6 suspected child abuse; is that right?
 7 A. Okay. They said a child is being abused. I
 8 figured they had the wrong address.
 9 MR. ZELMAN: What was said. He is not asking
 10 what you thought.
 11 MR. THADANI: Can you repeat the question.
 12 (Whereupon, the referred to question and
 13 answer was read back by the reporter.).
 14 A. That was first thing I said after they asked.
 15 Q. What was the first thing that you said?
 16 A. They said "Can we come in?" I said "Yes, if
 17 you give me a good reason."
 18 Q. And the response from them was?
 19 A. The response was "You are not going to let us
 20 in?" If you can't give me a good reason and then they
 21 bum-rushed me. And physically started, basically they
 22 just physically started attacking me. There is no way I
 23 could 99 anything.
 24 Q. You tried fighting back?
 25 A. No. How?

47

1 Q. Did you try kicking your legs?
 2 A. Never. People run into your apartment, it is
 3 a small space.
 4 Q. What do you mean, people running into your
 5 apartment?
 6 A. They started coming in like waves. Once I
 7 went down, they were on me. There was no fighting or
 8 punching. Come on.
 9 Q. Did this all happen outside your apartment or
 10 inside your apartment?
 11 A. Inside the small hallway. Opened up the door
 12 right there.
 13 Q. Did you try moving your arms around at all?
 14 A. No.
 15 MR. ZELMAN: Objection to form.
 16 A. Once they grabbed me, it was over. I already
 17 knew this can't be good. So there was no win for me.
 18 No way.
 19 Q. Can you describe exactly what the police
 20 officers were doing to you?
 21 MR. ZELMAN: Objection to form.
 22 A. They kicked me in the side, punched me in my
 23 face, grabbed me around my throat, threw me on the
 24 floor. I was already trying to get to the floor.
 25 Because you know, holding me, grabbed both my arms,

48

1 pulled my neck back, you know.
 2 Q. Did the police officers ever tell you you were
 3 under arrest?
 4 A. No.
 5 Q. Never at any point?
 6 A. No.
 7 Q. How do you know you were under arrest?
 8 A. They put the handcuffs on me.
 9 MR. ZELMAN: Objection.
 10 Q. Did they read you your Miranda rights?
 11 A. No.
 12 Q. Never?
 13 A. No.
 14 Q. Did you say anything after you put in
 15 handcuffs?
 16 A. No, my neighbor was doing all the talking.
 17 Q. What was your neighbor saying?
 18 A. Get off of him, get off his back. Why are you
 19 still on his back?
 20 Q. What else did she say?
 21 A. She was saying a couple of things. I can't
 22 quite remember.
 23 Q. Have you talked to her since the arrest?
 24 A. Yes.
 25 Q. Have you talked to her about what happened?

12 (Pages 45 to 48)

49

1 A. We spoke about it.
 2 Q. When was that?
 3 A. Couple days I got out of the jail.
 4 Q. What did you talk about?
 5 A. Just she could not believe.
 6 Q. And what did she say exactly?
 7 A. What happened. Besides, you know, basically
 8 what happened.
 9 Q. What did you say?
 10 A. Why they came to your house. And they told me
 11 they got an anonymous tip, you know. So she was like
 12 what. That's what happened.
 13 Q. Did she say anything else?
 14 A. Not that I can remember.
 15 Q. Did you talk to her since then?
 16 A. We are neighbors. They are like family.
 17 Q. Did you talk?
 18 A. Yes.
 19 Q. How long have you known her?
 20 A. Twenty-something years.
 21 Q. You've been neighbors the entire time, yes?
 22 A. Yes.
 23 Q. How many times have you talked to her about
 24 your arrest?
 25 A. Just after it happened. We didn't speak about

50

1 it anymore.
 2 Q. After you were handcuffed, what happened?
 3 A. He had his knee in my back and let me on the
 4 floor.
 5 Q. How did they handcuff you?
 6 A. Behind my back.
 7 Q. Did you complain about the handcuffs?
 8 A. Yes, but they were not listening.
 9 Q. Did you complain about the handcuffs?
 10 A. She said "Let him up at least."
 11 Q. What did you say?
 12 A. I said that the handcuffs were tight.
 13 Q. Who did you say that to?
 14 A. Two cops that were covering.
 15 Q. What did they say?
 16 A. They didn't say anything.
 17 Q. And what happened after you were handcuffed,
 18 what did the police officers 99?
 19 A. They just kept their knee on me. I am looking
 20 that way like this (indicating).
 21 Q. What did the EMS workers do?
 22 A. They all went to the front.
 23 Q. The front of what?
 24 A. The apartment.
 25 Q. And?

51

1 A. I don't know. I was on the floor.
 2 Q. Did you see the EMS workers go inside your
 3 apartment?
 4 A. Yes.
 5 Q. Could you see what they were doing?
 6 A. No.
 7 Q. Do you know how long they were in there?
 8 A. I don't know. I mean, the whole duration of
 9 why they kept me there.
 10 Q. Say that again.
 11 A. Until they took me out of the apartment.
 12 Q. How long was it until they took you out of the
 13 apartment?
 14 A. I think it was a while, waiting for somebody
 15 else to come on the scene.
 16 Q. How do you know that?
 17 A. I heard them say it.
 18 Q. What did they say exactly?
 19 A. Something about waiting for the sergeant or
 20 something.
 21 Q. How long would you say it was, more than ten
 22 minutes?
 23 A. Way more.
 24 Q. Twenty minutes?
 25 A. About that.

52

1 Q. How many police officers were watching you
 2 during that 20 minutes?
 3 A. Two.
 4 Q. Where were the four other police officers?
 5 A. In the front.
 6 Q. Front where?
 7 A. The apartment.
 8 Q. Inside the apartment?
 9 A. Yes.
 10 Q. Was the door open?
 11 A. Yes.
 12 Q. Were you inside the apartment?
 13 A. Yes, sir, yes.
 14 Q. Did anyone go into the room where your
 15 daughter was?
 16 A. Everyone. Everybody except the two cops that
 17 were covering me.
 18 Q. Two police officers and EMS workers went into
 19 the room where your daughter was?
 20 A. Yes.
 21 Q. How long were they in there?
 22 A. Twenty minutes.
 23 Q. Was the door closed or open?
 24 A. I have no way of knowing.
 25 Q. Can you or could you see what they were doing

13 (Pages 49 to 52)

53

1 in there?
 2 A. It was in the back.
 3 Q. Were you wondering why they were in there?
 4 A. Just hoping that she was dressed and things
 5 like that.
 6 Q. Did you hear anything that they were talking
 7 about in there?
 8 A. No.
 9 Q. Where was Camille at this time?
 10 A. I don't know.
 11 Q. Have you been handcuffed before?
 12 A. Yes.
 13 Q. How many times?
 14 MR. ZELMAN: Objection. He can testify to any
 15 arrests that ended in a conviction. But with
 16 respect to arrests that did not end with the
 17 conviction, they are privileged under New York
 18 State law. And we assert the privilege. So he can
 19 answer the question to the extent that he is aware
 20 if the case ended in a conviction.
 21 MR. THADANI: I'm not asking about any cases.
 22 I am asking if he was handcuffed before.
 23 MR. ZELMAN: It's the same thing.
 24 MR. THADANI: Had nothing to do with the
 25 arrest whatsoever.

54

1 MR. ZELMAN: Same objection. You can answer
 2 with respect to arrests that ended in convictions,
 3 if any.
 4 MR. THADANI: Off the record.
 5 (Whereupon, an off-the-record discussion was
 6 held.)
 7 MR. THADANI: Back on the record.
 8 Q. Have you been handcuffed before?
 9 MR. ZELMAN: Same objection. You can answer
 10 with respect to arrests that ended with a
 11 conviction.
 12 A. Yes.
 13 Q. How many times?
 14 A. With respect to convictions, once.
 15 Q. When was that?
 16 A. That was a long time.
 17 Q. Can you estimate?
 18 A. Nine years ago, if I am correct.
 19 Q. How long were you handcuffed in this case?
 20 A. I don't quite know.
 21 Q. Was it more than half an hour?
 22 A. I'm not sure.
 23 Q. Is it let less than a half an hour?
 24 A. I am not sure.
 25 Q. Is it less than an hour?

55

1 A. I don't know how long it was. It was a while
 2 ago.
 3 Q. How many times did you complain about the
 4 handcuffs being too tight?
 5 A. They treated me with respect. I didn't
 6 complain.
 7 Q. Who treated you with respect?
 8 A. At any time that I have been arrested, I was
 9 treated like a human being.
 10 Q. Are you talking about this arrest?
 11 A. No. At any time I was in handcuffs.
 12 Q. The arrest here, did you ever complain about
 13 the handcuffs being too tight?
 14 A. Yes.
 15 Q. How many times?
 16 A. When we finally, when my neighbor finally
 17 started to -- more than, I would say, two times.
 18 Q. When was the first time?
 19 A. When they picked me off the floor by the
 20 handcuffs.
 21 Q. What did you say?
 22 A. I said these were hurting my arms.
 23 Q. What did they say?
 24 A. What?
 25 Q. Did you ask them for the handcuffs to be

56

1 loosened?
 2 A. No. At that point in time I didn't know what
 3 to ask. I was kind of shook.
 4 Q. When was the second time that you asked?
 5 A. I guess when they put me into the back seat
 6 because they closed more when I was put in the back
 7 seat.
 8 Q. What was closed more?
 9 A. The handcuffs.
 10 Q. What did you say to them?
 11 A. That it was hurting.
 12 Q. Who did you say that to?
 13 A. To the police that was driving.
 14 Q. Did you know who that was?
 15 A. It is Montefusco and his partner.
 16 Q. I'm sorry?
 17 A. It was Montefusco.
 18 Q. What did they say?
 19 A. Huh?
 20 Q. What did you say specifically, just that the
 21 handcuffs were hurting?
 22 A. Yes.
 23 Q. Did you ever ask them to loosen the handcuffs?
 24 A. I just told them it was hurting on with other
 25 things.

14 (Pages 53 to 56)

<p>57</p> <p>1 Q. Did you ever find out who called 911?</p> <p>2 A. Yes.</p> <p>3 Q. When did you find that out?</p> <p>4 A. When I called home.</p> <p>5 Q. Who did you speak to when you called home?</p> <p>6 A. Taleta.</p> <p>7 Q. What did she tell you?</p> <p>8 A. She just told me that her sister that called.</p> <p>9 Q. Did you ask her who called?</p> <p>10 A. No.</p> <p>11 Q. She told you that voluntarily?</p> <p>12 A. Yes.</p> <p>13 Q. What did she say specifically?</p> <p>14 A. She don't know. I can't quite. It was along</p> <p>15 the lines of, you know, she is slow, something is wrong</p> <p>16 with her.</p> <p>17 Q. Did she tell you what Camille said</p> <p>18 specifically?</p> <p>19 A. No. I found out later.</p> <p>20 Q. What was your reaction to finding out that</p> <p>21 Camille called 911?</p> <p>22 A. I wish I knew ahead of time. I don't know.</p> <p>23 Can you ask the question again?</p> <p>24 Q. What was your reaction when you found out</p> <p>25 Camille called 911? Were you angry?</p>	<p>59</p> <p>1 A. All I saw were shoes passing.</p> <p>2 Q. You said one of the police officers kicked</p> <p>3 you; is that right?</p> <p>4 A. Yes.</p> <p>5 Q. Where did they kick you?</p> <p>6 A. On the side of my neck.</p> <p>7 Q. Where else?</p> <p>8 A. They kicked me to the tip of my forehead.</p> <p>9 Q. Where else?</p> <p>10 A. To my sides.</p> <p>11 Q. What do you mean your sides?</p> <p>12 A. Right here (indicating).</p> <p>13 Q. Waist area?</p> <p>14 A. Yes.</p> <p>15 Q. Where?</p> <p>16 A. In the stomach.</p> <p>17 Q. Anywhere else?</p> <p>18 A. It was a bunch of cheap shots. All I know is</p> <p>19 I felt them coming at every angle.</p> <p>20 Q. How many police officers choked you?</p> <p>21 A. The one that was on my back at first.</p> <p>22 Q. How was he choking you?</p> <p>23 A. Laying flat. Each of them is on top of me and</p> <p>24 his hands are around my neck like that.</p> <p>25 Q. With his hands?</p>
<p>58</p> <p>1 A. Pretty much.</p> <p>2 Q. Were you upset?</p> <p>3 A. I was heartbroken, actually.</p> <p>4 Q. Did you say Camille moved out of your</p> <p>5 apartment after that?</p> <p>6 A. Yes.</p> <p>7 Q. When you said the officers and EMS were inside</p> <p>8 your bedroom, you were in the living room?</p> <p>9 A. I was on the floor the whole time. They</p> <p>10 picked me up after a few seconds and took me out of the</p> <p>11 house.</p> <p>12 Q. Were you sitting on the floor?</p> <p>13 A. Laying on the floor.</p> <p>14 Q. Laying on the floor?</p> <p>15 A. Yes.</p> <p>16 Q. How were you laying on the floor?</p> <p>17 A. Flat with my face looking to like a small</p> <p>18 little area. My face was looking towards the wall.</p> <p>19 Q. So were you on your belly?</p> <p>20 A. Yes.</p> <p>21 Q. How long were you in that position?</p> <p>22 A. After my neighbors went and checked on my</p> <p>23 daughter, a few seconds until they took me out of the</p> <p>24 house. And they were all shoes.</p> <p>25 Q. Say that again.</p>	<p>60</p> <p>1 A. His arms were around my neck.</p> <p>2 Q. How long is that going on for?</p> <p>3 A. I don't know.</p> <p>4 Q. Did you try and cry out or say anything</p> <p>5 at that time?</p> <p>6 A. Tried. They threw me on the floor, you know,</p> <p>7 working me over. I was bleeding. They didn't listen</p> <p>8 then.</p> <p>9 Q. Were you bleeding at all?</p> <p>10 A. Yes.</p> <p>11 Q. Where?</p> <p>12 A. On the side.</p> <p>13 Q. Where?</p> <p>14 A. Forehead, under my eye (indicating).</p> <p>15 MR. ZELMAN: Make sure she can hear you.</p> <p>16 Okay.</p> <p>17 A. Left eye.</p> <p>18 Q. Were you feeling pain after were you put in</p> <p>19 handcuffs?</p> <p>20 A. I was feeling pain as soon as they stood me up</p> <p>21 to take me out.</p> <p>22 Q. Where were you feeling pain?</p> <p>23 A. Neck, back arms, and my forehead, and the side</p> <p>24 of my face they were stepping on with.</p> <p>25 Q. Where was the pain the worse?</p>

15 (Pages 57 to 60)

61

1 A. My back.
 2 Q. Were you put in a police car at some point?
 3 A. Yes.
 4 Q. How many police officers?
 5 A. Two.
 6 Q. Where did they take you?
 7 A. To the 77th Precinct.
 8 Q. What happened there?
 9 A. They put me in a cell.
 10 Q. Did anything else happen there?
 11 A. I was in a lot of pain. So I asked to go to
 12 the hospital.
 13 Q. How many times did you ask to go to the
 14 hospital?
 15 A. Every time I could talk to an officer.
 16 Q. How many times?
 17 A. That was over ten.
 18 Q. When was the first time?
 19 A. As soon as I got to the stationhouse.
 20 Q. Who did you ask?
 21 A. Then my chest. I asked the sergeant that was
 22 at the desk.
 23 Q. What did you say about your chest?
 24 A. My chest, I was starting to feel sharp pains
 25 in my chest, so I was getting worried.

62

1 Q. What did the sergeant say?
 2 A. He didn't say nothing.
 3 Q. When was the second time?
 4 A. When I was in the holding cell.
 5 Q. What did you say?
 6 A. I need medical attention.
 7 Q. Who did you say that to?
 8 A. To the cop that was passing.
 9 Q. Did he say anything?
 10 A. Yes. You will be in here until Martin Luther
 11 King birthday is over.
 12 Q. Anything else?
 13 A. That was it.
 14 Q. When was the third time?
 15 A. The third time was every time a cop would come
 16 in to the holding cell, I would ask.
 17 Q. What would you say?
 18 A. Can I please have medical attention?
 19 Q. And any response?
 20 A. They moved me to another cell that was real
 21 cold.
 22 Q. Did you have any property on you or anything
 23 when you were arrested?
 24 A. No.
 25 Q. No keys, wallet, anything like that?

63

1 A. No.
 2 Q. How many phone calls did you make while you
 3 were at the precinct?
 4 A. Two.
 5 Q. To who?
 6 A. My sister and my fiancée.
 7 Q. What did you talk to your sister about?
 8 A. To go check on my baby and where I was.
 9 Q. And anything else?
 10 A. I spoke with my daughter's mother.
 11 Q. Right. What is her name?
 12 A. Tanya Thompson.
 13 Q. Tanya Thompson?
 14 A. Yes.
 15 Q. What did you talk to your fiancée about?
 16 A. Basically, you know, what had happened. And
 17 she told me.
 18 Q. What did she tell you?
 19 A. She had to go to the hospital and my sister
 20 met her there.
 21 Q. Which hospital?
 22 A. It was Kings County.
 23 Q. Do you know what time you called your fiancée?
 24 A. As soon as they let me. I don't know what
 25 time it was.

64

1 Q. Do you know how long it was after you were put
 2 in handcuffs?
 3 A. It was later on.
 4 Q. She said that she went to the hospital?
 5 A. The police told her to go to the hospital.
 6 They took my baby out in the middle of the night.
 7 Q. What else did she say?
 8 A. They sent them home. Checked the baby and
 9 sent them home.
 10 Q. What was your reaction to hear that?
 11 A. I felt helpless.
 12 Q. Did you ask why they went to the hospital?
 13 A. She said that is what the police told her to
 14 99.
 15 Q. Were you photographed at the precinct?
 16 A. Yes.
 17 Q. How many times?
 18 A. Mugshot.
 19 Q. Fingerprint?
 20 A. Yes.
 21 Q. Did you ever refuse to be fingerprinted?
 22 A. Until they let me see a doctor.
 23 Q. How many times did you refuse to be
 24 fingerprinted?
 25 A. Until the morning. The sergeant, if he would

16 (Pages 61 to 64)

65

1 call the ambulance if I would let them fingerprint me.
 2 I told them I am not letting them fingerprint me until I
 3 get some medical attention. So then he promised and
 4 then I was fingerprinted.
 5 Q. How many times did the police officers try to
 6 fingerprint you?
 7 A. They never tried. I said I refuse to get
 8 fingerprinted until I get some medical assistance.
 9 Q. How many times would you say you refused?
 10 A. They just asked me once.
 11 Q. When was that?
 12 A. When I was asking to go see a doctor.
 13 Q. Was that as soon as you got to the precinct or
 14 sometime after that?
 15 A. Sometime after that.
 16 Q. What did they say when you refused to be
 17 fingerprinted?
 18 A. They didn't say nothing. They left me there.
 19 Q. How much time passed, would you say, asking
 20 for medical attention to the time that you were taken to
 21 an ambulance?
 22 A. It was in the morning.
 23 Q. How many hours would you say that was?
 24 A. I would say it was 10:00 in the morning to
 25 11:00 or from 10:00.

66

1 Q. Did you fill out any paperwork while at the
 2 precinct?
 3 A. Not that I know of.
 4 Q. Were you looked at like, EMS workers at the
 5 precinct?
 6 A. No.
 7 Q. Were you looked at by anyone at the precinct
 8 for your medical complaints?
 9 A. No one.
 10 Q. How did you come to arrive at the hospital?
 11 A. A sergeant came on and said "Thompson." I
 12 said "Sir, I'm asking for medical attention for the
 13 longest night." He said, "Thompson, I need to
 14 fingerprint you." I said, "I have been asking for
 15 medical attention and nobody is listening." He said
 16 "Let them fingerprint you, go ahead and fingerprint and
 17 I will call the ambulance." I said "Thank you, sir."
 18 And I proceeded to let him fingerprint me. I got
 19 fingerprinted and then he called the ambulance.
 20 Q. And then what happened?
 21 A. Afterwards then he took me to Interfaith
 22 Hospital.
 23 Q. Before you were taken to Interfaith, were you
 24 examined by anybody?
 25 A. No. My blood pressure probably.

67

1 Q. Why do you say that?
 2 A. I think they checked my blood pressure in the
 3 ambulance.
 4 Q. Did you say specifically why you needed
 5 medical attention?
 6 A. Yes.
 7 Q. What did you say?
 8 A. I told them I am in a lot of pain.
 9 Q. Did you say where?
 10 A. Yes.
 11 Q. What did you say?
 12 A. My back, neck, chest, my arms, my face, I had
 13 a migraine headache.
 14 Q. How many times did you specify what parts of
 15 your body was hurting?
 16 A. To the doctor at the hospital?
 17 Q. Before that. To the police officers.
 18 A. They were not listening, they were not talking
 19 to me. I told them I was in pain.
 20 Q. What injuries are you alleging were caused by
 21 your arrest on January 2014?
 22 A. I am alleging my back, my neck, my shoulders,
 23 and my pride.
 24 Q. Anything else?
 25 A. That's about it.

68

1 Q. Were you taken to Interfaith Hospital, what
 2 happened there?
 3 A. I was there on pain medication. They gave me
 4 a neck brace, I could not look up. They took some
 5 X-rays and a CAT scan.
 6 Q. How long were you at the hospital?
 7 A. Fifteen, twelve hours. I'm sorry. About 12
 8 to 15 hours.
 9 Q. How many doors did you see there?
 10 A. I remember one.
 11 Q. What did you tell the doctors?
 12 A. That my back is in a great amount of pain. I
 13 got beaten up.
 14 Q. Can you be more specific? What exactly did
 15 you tell them?
 16 A. I told them where the pain was. In my back
 17 and in my neck. That's it. He gave me painkillers and
 18 set me up for X-ray.
 19 Q. Do you know the results of those tests?
 20 A. From what he was telling me, yes.
 21 Q. What did he tell you?
 22 A. Swelling, but you are lucky nothing is broken.
 23 Q. Do you know the name of this doctor?
 24 A. No.
 25 Q. Did you ever go back to the Interfaith

17 (Pages 65 to 68)

69

1 Hospital again?
 2 A. No.
 3 Q. Have you ever been there before?
 4 A. Yes.
 5 Q. For what?
 6 A. I was born in that hospital.
 7 Q. How about since the time you were born to the
 8 time of your arrest, have you gone to that hospital?
 9 A. No.
 10 Q. So what part of your body got X-rayed?
 11 A. My back and neck.
 12 Q. And the results were what again?
 13 A. A lot of swelling, nothing broke.
 14 Q. You said you got Cat scan; is that right?
 15 A. I don't know. It is some type.
 16 Q. What part of the body was that?
 17 A. The back and neck.
 18 Q. Was that the same results?
 19 A. As far as I know.
 20 Q. Did they give you anything else besides
 21 painkillers and a neck brace?
 22 A. Yes.
 23 Q. What kind of painkillers did they give you?
 24 A. I don't know.
 25 Q. How many different painkillers did they give

70

1 you?
 2 A. So many. Some kind of pills.
 3 Q. Did they tell you how long you should take
 4 them for?
 5 A. I think they may have given me a prescription.
 6 They gave me at the hospital.
 7 Q. Did you fill the prescription?
 8 A. Not that one. I got that from my doctor.
 9 Q. Did you fill the prescription they gave you?
 10 A. I am not sure that I did.
 11 Q. Did the doctors at the hospital diagnose you
 12 with anything, to your knowledge?
 13 A. Not to my knowledge. Just a lot of pain.
 14 Q. Do you recall them telling you that you had
 15 degenerative diseases in your back?
 16 A. No.
 17 Q. Do you recall them telling you you already had
 18 an injury to your back?
 19 A. No.
 20 Q. You said they gave you a collar, right?
 21 A. Yes.
 22 Q. Did you wear it?
 23 A. Yes.
 24 Q. How long?
 25 A. For a while.

71

1 Q. How long is a while?
 2 A. Probably next month or so.
 3 Q. Did you wear it off and on or every day?
 4 A. Basically every day.
 5 Q. Every day for a month?
 6 A. Yes.
 7 Q. Did your doctor at the hospital suggest that
 8 you follow up?
 9 A. Yes.
 10 Q. What did they say exactly?
 11 A. 99 you have a doctor, which I told them yes.
 12 I said I already checked in with him.
 13 Q. Who was your doctor at the time?
 14 A. Dr. Elliott Switzer.
 15 Q. When you left the hospital, who did you leave
 16 with?
 17 A. The police.
 18 Q. Where did they take you to?
 19 A. The 77th Precinct.
 20 Q. Did they tell you that you have degenerative
 21 disease or a condition?
 22 A. Never.
 23 Q. Never?
 24 A. No.
 25 Q. Did there come a time that you went before a

72

1 judge?
 2 A. Yes.
 3 Q. When was that?
 4 A. I guess the next day, if it was not the next
 5 day, after I got out of the hospital, the next day.
 6 Q. How long would you say it was from the time
 7 that you were handcuffed to the time that you first saw
 8 a judge, how many hours?
 9 A. I would say about two-and-a-half days, three
 10 days.
 11 Q. Were you represented by an attorney when you
 12 went before a judge?
 13 A. Yes.
 14 Q. Who was that?
 15 A. That was a nice lady. I forgot her name.
 16 Q. So what happened there?
 17 A. They released me on my own recognizance, ROR,
 18 yeah.
 19 Q. Were you charged with anything?
 20 A. Yes.
 21 Q. What were you charged with?
 22 A. Obstructing justice and resisting arrest.
 23 Q. Is that the first time that you heard that you
 24 were charged with those crimes?
 25 A. Yes.

18 (Pages 69 to 72)

73

1 Q. What was your reaction when you heard that?
 2 A. That is what they call it when you get beat
 3 up, resisting.
 4 Q. Is that what your reaction was?
 5 A. Yes.
 6 Q. How about the obstructing justice charges?
 7 A. Obstructing justice when you opened your door.
 8 Q. Did you enter a plea?
 9 A. Yes.
 10 Q. What did you plea?
 11 A. I know it was not guilty. I don't know when I
 12 was able to enter the plea.
 13 Q. Where did you go after your release?
 14 A. Home.
 15 Q. How did you get there?
 16 A. I took the train.
 17 Q. How many times did you go to court after that
 18 on this case on the criminal case?
 19 A. After two more times.
 20 Q. When was the first time?
 21 A. Probably a month later.
 22 Q. What happened there?
 23 A. They offered me an ACD.
 24 Q. Who offered you an ACD?
 25 A. The District Attorney.

74

1 Q. What is an ACD?
 2 A. Something that you get off to go home and they
 3 throw out the case.
 4 Q. What did you say when they offered you an ACD?
 5 A. That is when I found out what the real charges
 6 were.
 7 Q. What do you mean you found out what the real
 8 charges were?
 9 A. She let me read it. My lawyer let me read out
 10 the complaint or whatever was said.
 11 Q. What did it say?
 12 A. About the sexual abuse.
 13 Q. What was the charge?
 14 A. Huh?
 15 Q. What was the charge?
 16 A. There was no charge with the statement that
 17 was said.
 18 Q. Who wrote the statement?
 19 A. Her sister.
 20 Q. Were you given a copy of that statement?
 21 A. No.
 22 Q. Do you remember what specifically the
 23 statement said?
 24 A. That I was going to see this to the end.
 25 Q. So directing you back to my question. Do you

75

1 remember what the statement said that you read?
 2 A. No.
 3 Q. Do you remember anything that was said?
 4 A. No, not really. To a point. I can't say for
 5 sure.
 6 Q. What was the general substance of it?
 7 A. It was my lawyer said that you can get this
 8 resolved today. And I said, you know, she was like all
 9 right. And then she said this is what was said. I was
 10 like okay. I need a full clearance of that. She
 11 proceeded to give me another court date.
 12 Q. And you said "what was said" can you be more
 13 specific?
 14 A. Basically, I wanted to know or she let me know
 15 what exactly I was charged with. She told me what I was
 16 charged with. The statement that was said about me.
 17 Q. You said there was a statement by who?
 18 MR. ZELMAN: For the record, I will not allow
 19 conversations that he had with his attorney,
 20 subsequent conversations with his attorney. So
 21 when you ask the question, just make it clear that
 22 he is not to testify about statements that were
 23 made between him and his attorney, please.
 24 Q. You testified that you read a statement, like
 25 a piece of paper?

76

1 A. She was talking about it to me.
 2 Q. Did you ever read a statement?
 3 A. Yes.
 4 Q. Who was that statement written by?
 5 A. Toleta's sister.
 6 Q. Camille?
 7 A. Yes.
 8 Q. What did the statement say?
 9 A. I don't quite remember.
 10 Q. What was the general substance of it?
 11 A. That she was the one that called the police.
 12 Q. Anything else?
 13 A. That's it.
 14 Q. Did she mention anything about child abuse?
 15 A. That was mentioned.
 16 Q. In what context that was mentioned?
 17 A. The context was basically of a child, abuse of
 18 a child.
 19 Q. Was it your understanding that you were also
 20 being charged with child abuse?
 21 A. I was never charged with that. I was not.
 22 Q. Why did you take the ACD?
 23 A. I didn't want no statements on my record. She
 24 explained to me what my lawyer explained.
 25 MR. ZELMAN: Try to not testify as to what she

19 (Pages 73 to 76)

77

1 told you and what you told her.
 2 THE WITNESS: Okay.
 3 A. She explained the difference.
 4 Q. So what happened at the court appearance, the
 5 first court appearance?
 6 A. Another court date.
 7 Q. What happened at the second court date, do you
 8 remember then what it was?
 9 A. No. But they called me early. They called me
 10 about three weeks early and dismissed it.
 11 Q. Do you remember how long after the first
 12 appearance was the second appearance?
 13 A. It was supposed to be a month and a half. I
 14 came in three weeks later.
 15 Q. What happened there?
 16 A. They dismissed it fully.
 17 Q. Do you know why?
 18 A. Because I was innocent.
 19 Q. Is that your understanding why they dismissed
 20 it?
 21 A. In the name of justice, is what was said.
 22 Q. Who said this?
 23 A. The DA.
 24 Q. Who is Shantasia Archer?
 25 A. She is my neighbor's daughter.

78

1 Q. How old is she?
 2 A. She is 19.
 3 Q. She is 19 now?
 4 A. Yes.
 5 Q. To the best of your knowledge, was she a
 6 witness to your arrest?
 7 A. Yes. And her mother.
 8 Q. Where was she?
 9 A. They both was peering out the door.
 10 Q. You didn't mention that before, how come?
 11 A. I mentioned it.
 12 Q. You did?
 13 A. I mentioned that her mother and she was there
 14 with her.
 15 Q. So there were two of them?
 16 A. Yes.
 17 Q. Annetta Archer and Shantasia Archer were
 18 there?
 19 A. Yes.
 20 Q. And they were both peering out the door; is
 21 that what you are saying?
 22 A. Yes.
 23 Q. How long have you known Camille Watson?
 24 A. Five years.
 25 Q. Five years from now?

79

1 A. Yes. Maybe now it's five years.
 2 Q. What is your relationship like with her?
 3 A. We don't have a relationship.
 4 Q. She was living with you for over a year?
 5 A. Yes.
 6 Q. What was your relationship with her like then?
 7 A. We were good.
 8 Q. Why was she living there?
 9 A. She got evicted from her house.
 10 Q. Did you want her to live there?
 11 A. Not necessarily.
 12 Q. So why did you let her live there?
 13 A. She was in need.
 14 Q. Is it because your fiancée asked you?
 15 A. Yes.
 16 MR. THADANI: Let's take a lunch break.
 17 MR. ZELMAN: Let's go for another half an
 18 hour.
 19 MR. THADANI: Sure.
 20 Q. So how soon after you got home after your
 21 arrest did you go see a doctor?
 22 A. Two days.
 23 Q. Where did you go to?
 24 A. To Dr. Elliott Switzer.
 25 Q. Can you spell his last name?

80

1 A. S -- no.
 2 Q. How long have you been seeing that doctor?
 3 A. About three, four years.
 4 Q. What kind of doctor was he?
 5 A. General practitioner, if I am correct.
 6 Q. How did you come to first see him?
 7 A. I was recommended.
 8 Q. By who?
 9 A. By a neighbor.
 10 Q. Which neighbor?
 11 A. A neighbor that lives on my block. You need
 12 to know his name?
 13 Q. Yes.
 14 A. OJ, Orthelio Jones.
 15 Q. Who did you see before that as your general
 16 practitioner?
 17 A. The VA.
 18 Q. Sorry?
 19 A. The veterans.
 20 Q. Are you a veteran?
 21 A. Yes.
 22 Q. Of?
 23 A. Navy.
 24 Q. How long have you served in the navy?
 25 A. Yes, three years.

20 (Pages 77 to 80)

81

1 Q. What years were those, what time period?
 2 A. It was '91 to '94.
 3 Q. What was your title?
 4 A. There I was an ABF.
 5 Q. What is that?
 6 A. Aviation Bolts and Fueler.
 7 Q. Why did you leave?
 8 A. Too much traveling.
 9 Q. Did it you have a general practitioner before
 10 that?
 11 A. Yes, but I can't remember his name. I had a
 12 doctor ever since I was out the military.
 13 Q. How often would you see Dr. Switzer?
 14 A. Whenever I was not feeling well.
 15 Q. When was the last time that you saw him before
 16 your arrest?
 17 A. I don't remember. I know I go every year for
 18 a physical. I know that he sees me.
 19 Q. Why did you wait two days?
 20 A. I was kind of shell shocked.
 21 Q. What do you mean by that?
 22 A. You know, I just got beat up. I was just in
 23 pain. I wanted to stay in the house.
 24 Q. Did you miss work?
 25 A. Yes.

82

1 Q. How many days of work did you miss?
 2 A. A month and something.
 3 Q. When did you go back to work after your
 4 arrest?
 5 A. Probably like around 30-something days. I
 6 used up all my vacation time.
 7 Q. You used vacation days?
 8 A. Yes.
 9 Q. Did anyone tell you to miss work?
 10 A. I didn't feel good.
 11 Q. Did anyone tell you you should not miss work?
 12 A. No.
 13 Q. Did anyone at the hospital tell you you should
 14 miss work?
 15 A. No.
 16 Q. Do you remember giving them a note, a doctor's
 17 note to miss work?
 18 A. No.
 19 Q. So you decided to skip work on your own?
 20 A. I was going to my doctor. So I had doctors'
 21 notes, yes.
 22 Q. How about those two days after the arrest?
 23 What do you mean before you went to see Dr. Switzer?
 24 A. I am not sure if it was two or one. It could
 25 be either or. I spent one day in the house.

83

1 Q. Did you call someone at work to tell them that
 2 you will not be coming in?
 3 A. Yes.
 4 Q. When did you do that?
 5 A. When I got arrested.
 6 Q. Who did you call?
 7 A. It is an automatic system.
 8 Q. What did you say?
 9 A. That I am calling out.
 10 Q. What did you say, specifically?
 11 A. Family emergency at first.
 12 Q. How many times did you call the automatic
 13 system?
 14 A. Then I spoke to my supervisor after that.
 15 Q. Who is your supervisor?
 16 A. Ms. Bruce.
 17 Q. What is her first name?
 18 A. Thetta.
 19 Q. Can you spell that?
 20 A. T-H-E-T-T-A.
 21 Q. What did you tell her when you did speak with
 22 her?
 23 A. I guess after I got out of jail if I am not
 24 mistaken, I spoke with her. I guess once I got out of
 25 jail.

84

1 Q. What did you tell her?
 2 A. I had a family emergency.
 3 Q. Is that all you said?
 4 A. Yes.
 5 Q. And you need to miss work?
 6 A. Yes.
 7 Q. Did you say for how long?
 8 A. No. First I told her two weeks.
 9 Q. Two weeks?
 10 A. Yes.
 11 Q. And then?
 12 A. Then I called out for another two weeks.
 13 Q. What did you say?
 14 A. Family.
 15 Q. Did she ask you what was wrong?
 16 A. Not at that point in time.
 17 Q. At any point?
 18 A. No.
 19 Q. She never asked you why you took time off?
 20 A. No.
 21 Q. Why did you say it was a family emergency?
 22 A. I'm not sure I know. I said it one time. I
 23 don't know if quite it was.
 24 Q. Why didn't you say that you were injured?
 25 A. Because I don't know that I didn't say that.

21 (Pages 81 to 84)

85

1 Q. You just said that you said it was a family
2 emergency.
3 A. That was the first when I got arrested. That
4 is the only phone call I actually remember.
5 Q. Did you make that phone call while you were in
6 police custody?
7 A. Yes.
8 Q. Why did you say two weeks?
9 A. That was the original.
10 Q. What did you say on the original call?
11 A. That I can't quite remember. Basically, I was
12 calling out of work without them knowing that police had
13 beat me up.
14 Q. Why didn't you tell them that?
15 A. Because I was ashamed.
16 Q. Why couldn't you say that you were injured?
17 A. I didn't know what to say.
18 MR. ZELMAN: Objection to form.
19 Q. All right. So when you went to see
20 Dr. Switzer, what happened, what did you tell him?
21 A. I told him that -- I basically told them that
22 police beat me up.
23 Q. What else did you say?
24 A. That I was in a lot of pain.
25 Q. What else did you say?

86

1 A. And that my back was in bad shape, my neck. I
2 am having a hard time sleeping.
3 Q. What else?
4 A. That was basically it.
5 Q. What did he say?
6 A. He said I have to go therapy and go to the
7 doctor and to the emergency room and stuff like that.
8 And I said yes. And I told him that he took X-rays.
9 And he even gave me a prescription for painkillers. And
10 I started going to therapy.
11 Q. What kind of painkillers did he prescribe you?
12 A. Ibuprofen.
13 Q. Did you fill the prescription?
14 A. Yes.
15 Q. How long did you take the painkillers for?
16 A. I don't take medication.
17 Q. Was it like two months?
18 A. I don't remember.
19 Q. Why don't you take medicine?
20 A. I don't know. I just never.
21 Q. Was it helping?
22 A. I never took nothing before. I just suffer
23 until it gets better.
24 Q. Why did you stop taking it?
25 A. I didn't stop taking pain medicines. I

87

1 finished those. I was talking about something if I get
2 a cold, I don't take cold medicine.
3 Q. So you took those painkillers and did two
4 refills, why did you stop after that?
5 A. I started taking over-the-counter medicine.
6 Q. What over-the-counter medicine?
7 A. Aleve.
8 Q. Anything else?
9 A. Tylenol.
10 Q. Anything else?
11 A. No, that's it.
12 Q. How long did you take Aleve?
13 A. Any time it is bothering me.
14 Q. As needed?
15 A. Yes.
16 Q. How long did you take Tylenol?
17 A. As needed.
18 Q. When was the last time you took Aleve?
19 A. Couple days ago.
20 Q. How often did you say you take it? I know you
21 said as needed, but the time you stopped taking the
22 painkillers?
23 A. As needed. I sit in the tub and soak in epsom
24 salt. If I don't have time, I take a couple Aleve.
25 Q. So would you say you take it like once a week,

88

1 twice a month, twice a week?
2 A. I take it three times a week.
3 Q. When you take it three times a week, do you
4 take it once a day?
5 A. Depending on if my back starts acting up.
6 Q. You said Dr. Switzer recommended you to go to
7 therapy?
8 A. Yes.
9 Q. What do you mean by therapy?
10 A. To go see a chiropractor.
11 Q. What chiropractor was that?
12 A. Dr. James.
13 Q. Was that the first time?
14 A. First time, no.
15 Q. When was the first time you saw Dr. James?
16 A. Maybe four years ago.
17 Q. Four years from?
18 A. No, he has been my chiropractor for quite some
19 time.
20 Q. When was he first your chiropractor?
21 A. I don't remember.
22 Q. More than five years ago?
23 A. Around.
24 Q. Did you have a chiropractor before that?
25 A. Yes?

22 (Pages 85 to 88)

89

1 Q. Where?
 2 A. Well, VA.
 3 Q. What's that?
 4 A. The veterans hospital.
 5 Q. Did you have a chiropractor before that?
 6 A. No.
 7 Q. So the first time you got a chiropractor was
 8 at the VA?
 9 A. First time I got chiropractor was in 1996 or
 10 1997.
 11 Q. And was that at the VA Hospital?
 12 A. No, this was a private chiropractor.
 13 Q. Who is that?
 14 A. I don't remember the name.
 15 Q. How many times did you go there?
 16 A. Quite a bit.
 17 Q. Did you ever go to the chiropractor at the VA
 18 Hospital?
 19 A. Yes.
 20 Q. But were you there before 1996?
 21 A. Yes.
 22 Q. So let me ask you, the first time you went to
 23 the chiropractor was that at the Veterans Hospital?
 24 A. No, that was at a private chiropractor. I
 25 just remembered that.

90

1 Q. What time period did you go to the
 2 chiropractor at the VA?
 3 A. Right before I met Dr. James. That was about,
 4 I guess 2000.
 5 Q. Why did you go to the chiropractor in
 6 1996-1997?
 7 A. A car accident.
 8 Q. When was the car accident?
 9 A. I don't remember the year I went to the
 10 chiropractor.
 11 Q. What happened?
 12 A. Somebody hit us in the back.
 13 Q. Who is "us?"
 14 A. Me and my ex-wife.
 15 Q. What kind of injuries did you sustain from the
 16 car accident?
 17 A. At that time, lower back injuries.
 18 Q. Anything else?
 19 A. That was it.
 20 Q. So you went to the chiropractor, but you don't
 21 remember the name of the doctor?
 22 A. No.
 23 Q. Is there any way you can find out the name of
 24 the doctor?
 25 A. I suppose I could. But I don't know how -- I

91

1 know his practice is not there anymore where it was.
 2 Q. How do you know?
 3 A. I drive past there on my way from work.
 4 Q. Did you get medical records?
 5 A. It used to be on 5th Avenue and -- that's
 6 Dean. 5th Avenue and come up Dean.
 7 Q. How long did you see that chiropractor for?
 8 A. Six months or so.
 9 Q. Did you see any other doctors in connection
 10 with injuries sustained in this car accident?
 11 A. No.
 12 Q. Just chiropractor?
 13 A. Yes.
 14 Q. How often did you go to the chiropractor?
 15 A. Once a week or so.
 16 Q. Once a week?
 17 A. Yes.
 18 Q. Did you take medications at that time?
 19 A. Not any I can remember.
 20 Q. No painkillers?
 21 A. No.
 22 Q. No over-the-counter medicine?
 23 A. Over-the-counter.
 24 Q. Like Aleve or something else?
 25 A. I am not sure.

92

1 Q. And after six months did you feel better, why
 2 did you stop?
 3 A. I stopped because I felt a little bit better.
 4 Q. Did he tell you to stop or did you decide?
 5 A. I decided.
 6 Q. And the next time you went to a chiropractor,
 7 was it at the Veterans Hospital?
 8 A. Yes.
 9 Q. Why did you go to a chiropractor there?
 10 A. My back was bothering me.
 11 Q. Any reason or it just was?
 12 A. It just was.
 13 Q. Do you remember, you said it was roughly
 14 around what time period?
 15 A. 2000, early 2000s. What I am saying is, it
 16 had to be around 2000. After that I was good.
 17 Q. What were your specific complaints around that
 18 time period?
 19 A. My lower back.
 20 Q. Anything else?
 21 A. That's it.
 22 Q. What was hurting you, was it a constant pain?
 23 A. I guess you can call it a constant pain.
 24 Q. How long had you had the pain before you went
 25 to a doctor?

23 (Pages 89 to 92)

93

1 A. That was the first time I ever went to a
2 chiropractic.
3 Q. You said that you finished with a chiropractor
4 around '96, '97, right?
5 A. Yes.
6 Q. And then sometime a period in the past before
7 you went to a chiropractor again, correct?
8 A. Yes, sir.
9 Q. And you went to the chiropractor because you
10 were feeling pain in your lower back?
11 A. Yes.
12 Q. How long of a time did you wait before you
13 first started feeling pain in your lower back to when
14 you went to go see your chiropractor?
15 A. I can't tell you. I don't know.
16 Q. Do you know the name of the chiropractor at
17 the Veterans Hospital?
18 A. No.
19 Q. Do you know how long you saw that
20 chiropractor?
21 A. Just once or twice.
22 Q. Over what span of time?
23 A. I would say visited like around four months.
24 Q. Two visits over four months?
25 A. Yes.

94

1 Q. What was the treatment?
2 A. Therapy.
3 Q. What kind of therapy?
4 A. Yes, physical therapy.
5 Q. Did you do the therapy there or somewhere
6 else?
7 A. There.
8 Q. How often do you do therapy?
9 A. Just twice.
10 Q. How long were the sessions?
11 A. They would be 30 minutes.
12 Q. Was that effective?
13 A. Yes, I felt better. I was up until that day.
14 I thought I was healed.
15 Q. Do you recall them taking any X-rays or any
16 CAT scans or anything of the like?
17 A. That I got an MRI.
18 Q. Do you know what the results of the MRI were?
19 MR. ZELMAN: Are you talking about 2000?
20 MR. THADANI: Veterans Hospital.
21 A. No.
22 Q. So at the Veterans Hospital, do you remember
23 having any CAT scan, MRIs, brace, anything like that?
24 A. Okay.
25 Q. How about the 1996 or 1997, did you have

95

1 X-rays, CAT scans?
2 A. MRI.
3 Q. MRI of where?
4 A. One of back.
5 Q. Do you know the results?
6 A. No.
7 Q. After you went to the chiropractor at the VA
8 Hospital the first time and had therapy, did you feel
9 better right after that?
10 A. That is something that comes from day-to-day,
11 I felt better. Because it stopped. It stopped, my back
12 was hurting. So I don't know the specific dates.
13 Q. Prior to the car accident that you did have,
14 did you have back pain before this?
15 A. No.
16 Q. That is when it first started?
17 A. Yes.
18 Q. Did you have pain in your back or did you have
19 pain in other parts of your body?
20 A. Just my back.
21 Q. Not in your neck, or shoulder, or anything of
22 the like?
23 A. That is, not that I know.
24 Q. So you mentioned that you saw Dr. James prior
25 to your arrest; is that right?

96

1 A. Yes.
2 Q. In connection to what?
3 A. He was referred by a friend.
4 Q. When?
5 A. I guess three to four years ago if not more.
6 Q. Why did you go to Dr. James?
7 A. Because, you know, my back would be tight
8 sometimes and it would help me out with that.
9 Q. Did he ever take X-rays, MRIs, CAT scans, or
10 anything of the like?
11 A. That he wanted me to go for an MRI, but the
12 insurance was giving problems.
13 Q. So he wanted you to go for an MRI but you
14 didn't go because of the insurance?
15 A. Insurance.
16 Q. What treatment did you get with Dr. James?
17 A. He would hook me up to some electrical thing
18 and would 99 massages and heat therapy. And things of
19 that nature. And he gives me exercises to try and do to
20 keep my back from hurting back up.
21 Q. How many times did you go to Dr. James prior
22 to your arrest?
23 A. In January 2014. Ten, twelve times.
24 Q. Over what span of time?
25 A. The time that I met him.

24 (Pages 93 to 96)

97

1 Q. When was the last time you saw Dr. James
2 before your arrest?
3 A. The last time I saw him was about two months.
4 Q. Why did you see him then?
5 A. Before?
6 Q. Yes, why did you see him?
7 A. Because you know, he just always advised me to
8 keep coming back because it's like memory, you have to
9 keep, you know, you have to come see me, basically. Not
10 all the time it was hurting.
11 Q. Did he give you any painkillers?
12 A. No.
13 Q. Were you taking Aleve and other
14 over-the-counter drugs at this time?
15 A. Yes.
16 Q. When was the last time you had taken Aleve
17 prior to your arrest?
18 A. It probably was in 2000. Like I always got
19 those in the house, but I can't remember every time.
20 Q. But in connection with your arrest in 2014,
21 when was the last time you had taken that Aleve since
22 that arrest in January 2014?
23 A. Maybe a couple years.
24 Q. But with respect to you seeing Dr. James
25 through this time period?

98

1 A. Yes.
2 Q. Is that treatment you had with him was
3 effective?
4 A. I believe so. I don't remember I took an
5 Aleve.
6 Q. So prior to the arrest, when was the last time
7 you felt pain in your back?
8 A. I was doing good. I thought I was healed.
9 Q. So prior to your arrest, when was the last
10 time you felt pain in your lower back?
11 MR. ZELMAN: Objection. You can answer.
12 A. It was a long time.
13 Q. Can you estimate how long?
14 A. I know I was not in any pain.
15 Q. But had you seen Dr. James, how long before
16 your arrest?
17 A. Maybe three month.
18 Q. Were you feeling pain in your back when you
19 saw Dr. James at that time?
20 A. No, it was like routine.
21 Q. Did he tell you to stop seeing him or did he
22 schedule you for an appointment?
23 A. He always calls me.
24 Q. So you saw Dr. Switzer after your arrest?
25 A. Yes.

99

1 Q. And he told you to go to therapy?
2 A. Yes.
3 Q. And so you went to see Dr. James; is that
4 correct?
5 A. Yes.
6 Q. Did he refer you to Dr. James and said you
7 already had this doctor?
8 A. I already told him that.
9 Q. So you went to Dr. James, how long after the
10 first time you saw Dr. Switzer after your arrest did you
11 see Dr. James?
12 A. A few days later.
13 Q. Why did you leave?
14 A. A time thing.
15 Q. And you, from the time period you were not
16 working?
17 A. No.
18 Q. What happened when you saw Dr. James?
19 A. Times that I should come.
20 Q. What did you tell him?
21 A. That I have a young daughter and I am taking
22 care of her. So I can't make it as much. I will try to
23 make it as much.
24 Q. What time period do you usually see him,
25 during the day, morning?

100

1 A. During the day on my lunch break.
2 Q. Why did you mention that you were taking care
3 of your daughter?
4 A. I don't understand. Because I can't walk to
5 where he is at. So I be tired.
6 Q. Did you think about going to a different
7 chiropractor?
8 A. Thought about that.
9 Q. And why didn't you?
10 A. That's a good question. I was thinking of
11 that yesterday.
12 Q. Do you see still see Dr. James now?
13 A. No.
14 Q. When was the last time you saw him?
15 A. About a week ago.
16 Q. Backing up to the first time that you saw him
17 after your arrest, did you tell him what happened to you
18 or what pain you were feeling?
19 A. Yes.
20 Q. What did you tell him?
21 A. I told him what happened.
22 Q. What did you say specifically?
23 A. He said, oh it is terrible.
24 Q. What did you say specifically?
25 A. All right, I told him that, you know, I got

25 (Pages 97 to 100)

101

1 beat up by the cops.
 2 Q. Anything else?
 3 A. That's it.
 4 Q. That is all you told him?
 5 A. And my back is in bad shape.
 6 Q. Then what happened?
 7 A. Get it better.
 8 Q. How did he help you get it better?
 9 A. He said it is going to help me. Doing
 10 treatment.
 11 Q. What treatment?
 12 A. Same thing, electrical shock, massages, deep
 13 tissue massages, things of that nature.
 14 Q. How often did you see Dr. James following your
 15 arrest?
 16 A. About twice a week.
 17 Q. Do you still see him twice a week?
 18 A. No.
 19 Q. When did you stop seeing him twice a week?
 20 A. Maybe about a year ago.
 21 Q. Why?
 22 A. Schedule. My schedule did not permit it.
 23 Q. Did Dr. James recommend an MRI, or brace, or
 24 CT scan?
 25 A. Yes.

102

1 Q. Did you have an MRI?
 2 A. No, not at that time. The insurance was
 3 giving them a hard time. I was supposed to get back to
 4 Q. Well, have you had an MRI on your back?
 5 A. Yes.
 6 Q. When was that?
 7 A. Way back in 1996 and 1997. Maybe about in
 8 four years.
 9 Q. I thought you said you didn't get an MRI
 10 because the insurance did not pay for it?
 11 A. That was the last time Dr. James wanted me.
 12 Q. Which doctor wanted you to get an MRI four
 13 years ago?
 14 A. I got it four years ago from, Dr. Switzer
 15 referred me to.
 16 Q. And what were the results?
 17 A. I don't know. He sent it to the doctor. He
 18 said I had to go for therapy.
 19 Q. Which doctor? He needed to send it to the
 20 doctor, is that what you said?
 21 A. Yes. Always went back to the doctor.
 22 Q. He didn't tell you the results?
 23 A. He didn't necessarily break it down. Set you
 24 up with some therapy.
 25 Q. And who did you go to for the therapy?

103

1 A. We never set it up. So I ended up going to
 2 James. Somebody had told me.
 3 Q. You don't remember him telling you why you
 4 needed therapy?
 5 A. No.
 6 Q. After your arrest, did you have any MRIs,
 7 X-rays, or CAT scans, except for at the hospital?
 8 A. At the hospital.
 9 Q. That's it?
 10 A. Yes.
 11 Q. Did anyone recommend that you get a
 12 different --
 13 A. Because of insurance, I was not able to have
 14 it.
 15 Q. After your arrest, have you seen any other
 16 doctors besides Dr. Switzer and Dr. James?
 17 A. No.
 18 Q. How often have you seen Dr. Switzer after your
 19 arrest?
 20 A. Like five, six weeks.
 21 Q. In connection with?
 22 A. Various things. Including my back. He is my
 23 doctor.
 24 Q. When you had the treatment with Dr. James, did
 25 you feel like it was working?

104

1 A. Yes.
 2 Q. And you saw him, you said you last saw him a
 3 week ago?
 4 A. A week, two weeks.
 5 Q. What happened at that point in time at that
 6 appointment?
 7 A. I kept seeing him. He cracked my back. Moves
 8 my back. First the treatment, then he realigns my
 9 spine.
 10 Q. When is your next appointment?
 11 A. Tuesday.
 12 Q. Does he set up regular appointments?
 13 A. He likes me to come twice a week.
 14 Q. Do you go twice a week now?
 15 A. Not every week but usually. Sometimes I don't
 16 feel like walking all those blocks.
 17 Q. Where do you walk to get to him from, work?
 18 A. Yes.
 19 Q. How many blocks?
 20 A. Eight.
 21 Q. Eight to ten blocks from the doctor's office
 22 to your office?
 23 A. Yes.
 24 Q. How long are you at the doctor's office when
 25 you are there?

26 (Pages 101 to 104)

105

1 A. About 30 minutes.
 2 Q. Is it always 30 minutes or does it vary?
 3 A. It's always 30 minutes.
 4 Q. How about Dr. Switzer, it depends?
 5 A. It depends.
 6 Q. How many times have you seen Dr. Switzer about
 7 the pain in your back?
 8 A. A number of times.
 9 Q. Have you ever been to a place called Community
 10 Chiropractic?
 11 A. I probably did.
 12 Q. Does it ring a bell?
 13 A. No. Community Chiropractic or -- I don't
 14 know. When was the date? Then I can.
 15 Q. In 2012, roughly?
 16 A. 2012, it does not ring a bell. It might have
 17 been to where I went to get my MRI.
 18 Q. So what part of your body is hurting you now?
 19 A. My lower back and my neck.
 20 Q. What kind of treatment are you having?
 21 A. Right here (indicating). Basically I be doing
 22 it myself sometime.
 23 MR. ZELMAN: Were you referencing your left
 24 shoulder?
 25 THE WITNESS: Yes.

106

1 MR. ZELMAN: If you mumble, she will not hear
 2 you.
 3 A. My shoulder, my neck, and my back. Top and
 4 bottom.
 5 Q. What kind of treatment have you had for that
 6 pain?
 7 A. Like I said, they were physical therapy.
 8 Q. Anything else besides physical therapy?
 9 A. That is it.
 10 Q. Have you had any surgery, or operations, or
 11 anything like that?
 12 A. No.
 13 Q. Has anyone recommended surgery, or operations,
 14 or anything like that?
 15 A. No.
 16 Q. Ever?
 17 A. They might have, but I can't get up.
 18 Q. Your entire life, has anyone ever recommended
 19 surgery or operations?
 20 A. No, not that I know of.
 21 MR. ZELMAN: Note my objection to that last
 22 question.
 23 Q. When was the last time that you saw
 24 Dr. Switzer?
 25 A. Maybe about a month ago.

107

1 Q. What did you say to him in connection with
 2 this?
 3 A. I have little pain. And I was not feeling
 4 good.
 5 Q. Pain where?
 6 A. That is my back and physical.
 7 Q. Have you decided to see Dr. Switzer,
 8 Dr. James, when you have back pain?
 9 A. I see Dr. Switzer for everything. But when I
 10 go to him he asked me how I'm feeling. So I let him.
 11 Q. So did you ever go to Dr. Switzer because of
 12 back pain that you are having?
 13 A. No, not necessarily. I go to Dr. James
 14 specifically for that. I go to him for everything else.
 15 I be in pain and I let him know.
 16 MR. THADANI: Let's take lunch now.
 17 (Whereupon, at 1:25 P.M., a lunch break was
 18 taken.)
 19 MR. THADANI: Back on the record.
 20 Q. So you had mentioned after the arrest that you
 21 had some bleeding on your forehead; is that right?
 22 A. Yes.
 23 Q. Did you have photographs taken of your
 24 injuries to your head?
 25 A. No.

108

1 Q. At any point?
 2 A. No.
 3 Q. Now, you mentioned earlier that you had done I
 4 think -- correct me if I am wrong -- physical therapy
 5 with Dr. James following your arrest; is that right?
 6 A. Yes.
 7 Q. What did the physical therapy entail
 8 specifically?
 9 A. Electric stimulation that he put on your back,
 10 massage therapy, he realigns your spine with like, heat
 11 applied to the area that is bothering you.
 12 Q. Anything else besides that?
 13 A. And exercises. That's pretty much it.
 14 Q. Were you advised to 99 exercises for different
 15 things away from the doctor's office, like at home?
 16 A. Yes.
 17 Q. What kind of things were you told to 99?
 18 A. Mostly stretches. I tried to stretch. He
 19 gave me specific stretches that you 99 when you are
 20 laying down.
 21 Q. And how much were you supposed to be doing
 22 that?
 23 A. As much as possible.
 24 Q. And have you been doing the stretches?
 25 A. Yes.

27 (Pages 105 to 108)

109

1 Q. 99 you do them regularly or sort of as needed?
 2 A. Pretty much as needed.
 3 Q. So how often, when was the last time you did
 4 the stretches?
 5 A. Probably couple of nights, because my back has
 6 been bothering me.
 7 Q. And these are the same types of stretches that
 8 you had done previously when you had other injuries to
 9 your back?
 10 A. Yes.
 11 Q. The first time that you had done that?
 12 A. Ever since I have been working with Dr. James.
 13 Q. You have seen Dr. James prior to your arrest,
 14 right?
 15 A. Yes.
 16 Q. Did he advise that you do these stretches when
 17 you first saw him as well?
 18 A. Yes.
 19 Q. Did you do the stretches?
 20 A. Yes.
 21 Q. Did they help?
 22 A. Yes.
 23 Q. Have you ever had injections into your back?
 24 A. Yes.
 25 Q. When was that?

110

1 A. When I seen another chiropractor. This was
 2 prior to that. I think they call it where they stick
 3 needles in you, acupuncture.
 4 Q. What was the name of this chiropractor?
 5 A. I forgot the name. She was before Dr. James.
 6 Q. Was that at the Veterans Hospital?
 7 A. Yes.
 8 Q. Roughly what time period would that be?
 9 A. Dr. James. Because after her I went to him.
 10 Q. And you don't know her name?
 11 A. No, but the practice is on Park Slope on Union
 12 and 7th Avenue.
 13 Q. How long?
 14 A. A brownstone.
 15 Q. How long?
 16 A. One visit.
 17 Q. That was just for acupuncture?
 18 A. Because my back was bothering me.
 19 Q. How did you find out about her?
 20 A. I Googled it.
 21 Q. And what happened when you went?
 22 A. There she gave me a treatment basically the
 23 same thing that Dr. James did with acupuncture.
 24 Q. Why did you go to her once?
 25 A. Because I kind of liked the way I was working

111

1 with Dr. James.
 2 Q. But at that point in time did you not see
 3 Dr. James?
 4 A. Okay. I know but once I did, it was a couple
 5 weeks after.
 6 Q. You didn't like her and wanted to try someone
 7 else?
 8 A. Yes.
 9 Q. And she gave injections or acupuncture?
 10 A. Acupuncture.
 11 Q. Did you have injections to your back that you
 12 know of?
 13 A. Yes, the doctor's assistant gave the
 14 injections.
 15 Q. When was that?
 16 A. My back went out. It was after my back was
 17 totally out.
 18 Q. Can you specify when exactly this was?
 19 A. This was maybe months ago.
 20 Q. What did you tell the doctor then?
 21 A. He saw that I could not even sit down. So I
 22 know I told him I was in a great amount of pain.
 23 Q. What did he say?
 24 A. He gave me some injections.
 25 Q. What kind of injections?

112

1 A. I don't know.
 2 Q. Did they help?
 3 A. Yes, somewhat.
 4 Q. Did he at that time recommend that you have
 5 any sort of testing done, like an MRI, X-ray, CAT scan,
 6 anything like that?
 7 A. No, he didn't recommend that. He just said
 8 let me know how you feel and keep me up on how you are
 9 feeling.
 10 Q. Did you visit him after you had the
 11 injections?
 12 A. Yes. But I visited Dr. James too.
 13 Q. What is the next time you saw Dr. Switzer, did
 14 you tell him about the injections and how they worked?
 15 A. They worked all right.
 16 Q. You told him you felt better?
 17 A. Yes, I tole him I felt better.
 18 Q. How long ago was this?
 19 A. That was maybe a month later.
 20 Q. Maybe like two months ago, something like
 21 that?
 22 A. Yes.
 23 Q. Do you recall ever in your lifetime being
 24 diagnosed with any conditions to your back or spine, or
 25 neck, or anything like that?

28 (Pages 109 to 112)

113

1 A. No, sir.
 2 Q. Have you ever heard the term bilateral
 3 stenosis?
 4 A. No.
 5 Q. Has anyone ever told you that you have a
 6 condition, the narrowing of your spine?
 7 A. No one never told me that.
 8 Q. So can you tell me all the doctors and medical
 9 providers that you went to since the time of your arrest
 10 in connection with your injuries to your back, neck,
 11 shoulder, and so on?
 12 A. In the hospital, custody, and Dr. Switzer, and
 13 Dr. James, those are the doctors.
 14 Q. Is that it?
 15 A. Yes.
 16 Q. How about prior to your arrest, can you tell
 17 me all the doctors or medical providers you went to in
 18 connection with the injury to your lower back?
 19 A. Mostly Dr. James and Dr. Switzer. One other
 20 lady that I had mentioned.
 21 Q. Anyone else?
 22 A. And the VA. That is about it. And I might
 23 have been to Brooklyn Hospital. I can't quite remember.
 24 Q. And had you not seen someone around 1996 or
 25 1997?

114

1 A. Yes, going through therapy for the car
 2 accident that I was in.
 3 Q. So before your arrest you went to Dr. James,
 4 Dr. Switzer, some lady doctor before Dr. James, the
 5 veteran hospital, Navy Brooklyn Hospital, and someone
 6 else around 1996 and 1997, recalling the car accident?
 7 A. Yes.
 8 Q. Are those the only doctors that you went that
 9 entire time before your arrest?
 10 A. As far as I remember, yes.
 11 Q. Is there a way that you can find out the name
 12 of the doctor that you went to before Dr. James?
 13 A. Yes, I can.
 14 Q. How would you be able to 99 that?
 15 A. I can walk down to her practice and speak with
 16 them.
 17 Q. And you said you saw her one time?
 18 A. Yes.
 19 Q. Prior to your arrest, did you have any other
 20 injuries, serious injuries to your body besides to your
 21 lower back?
 22 MR. ZELMAN: Objection. Can we have a time
 23 frame on that?
 24 Q. At any time prior to your arrest?
 25 MR. ZELMAN: I will not allow it. It invades

115

1 medical privilege. I will allow questions related
 2 to any treatment that he had related to the areas
 3 of the case. The areas integral to this case. I
 4 am not opening up his entire life medical history
 5 in this deposition.
 6 Q. Prior to your arrest, did you have any serious
 7 injuries to your neck?
 8 A. No.
 9 Q. To your shoulder?
 10 A. Not that I am aware of, no.
 11 Q. And you did have injury to your back, we
 12 talked about that?
 13 A. Yes.
 14 Q. Have you ever made a claim against anyone
 15 because of an injury?
 16 A. Yes, I believe so, yes.
 17 Q. Who?
 18 A. When I was in the car accident.
 19 Q. Can you tell me about that.
 20 A. What would you like to know?
 21 Q. So, who did you make the claim against?
 22 MR. ZELMAN: I will object to this. It is
 23 palpably improper. Don't answer.
 24 A. I forgot.
 25 MR. ZELMAN: You can get a ruling on that.

116

1 This is a 1996 accident. I don't see the relevance
 2 at all. It is palpably improper to delve into this
 3 accident from 20 years ago.
 4 MR. THADANI: We can mark it for a ruling.
 5 MR. ZELMAN: Mark it for a ruling. If you
 6 have one or two questions about it, fine. But if
 7 you ask about his attorneys and what court he went
 8 to, how much covered for it, it's palpably
 9 improper.
 10 MR. THADANI: I would like to have the
 11 question answered. It is, who did you make the
 12 claim against.
 13 MR. ZELMAN: Are you going to go into a whole
 14 line of questions about this?
 15 MR. THADANI: It depends what his answer is.
 16 MR. ZELMAN: Listen, I don't want to be
 17 accused of suggesting an answer, but if he brought
 18 a claim against the people who hit him from behind.
 19 So...
 20 THE WITNESS: Yes.
 21 MR. THADANI: I would probably ask what was
 22 the results of the claim. That's probably it.
 23 MR. ZELMAN: Go ahead.
 24 Q. So who did you make the claim against?
 25 A. I don't remember.

29 (Pages 113 to 116)

117

1 Q. Was it the person that hit you, the car?
 2 A. Yes.
 3 Q. Can you describe what the accident was?
 4 A. Someone hit me from behind and that's
 5 basically it.
 6 Q. Were you driving the car at the time?
 7 A. Yes, I was.
 8 Q. Injuries that you sustained of the accident
 9 were to your back?
 10 A. Yes.
 11 Q. Did you suffer any other injuries?
 12 A. No.
 13 Q. Did you file a civil lawsuit against the
 14 driver of the other car?
 15 A. I believe so.
 16 Q. What was the result of that?
 17 MR. ZELMAN: Note my objection. You can
 18 answer.
 19 A. The result was the lawsuit. I got \$10,000.
 20 Q. Did you settle the case?
 21 A. Yes.
 22 Q. You mentioned that you may have gone to
 23 Brooklyn Hospital?
 24 A. And I think that was Brooklyn Hospital.
 25 Q. So do you remember what time period that would

118

1 have been, around 1996, 1997 or later than that?
 2 A. I think it was 1995. It might have been '97.
 3 Hold on. My son was born. So that would have been like
 4 1998.
 5 Q. And would you have gone to the Brooklyn
 6 Hospital as a result of the injury to your back?
 7 A. Yes, me and my wife.
 8 Q. How many times did you go to Brooklyn Hospital
 9 for your injuries?
 10 A. Once. If I can remember. I can't quite
 11 remember.
 12 Q. Did you say once?
 13 A. Yes.
 14 Q. Do you remember what happened there?
 15 MR. ZELMAN: Objection to form. You mean at
 16 the hospital?
 17 Q. Do you remember what happened when you went to
 18 Brooklyn Hospital?
 19 A. Yeah, I saw the doctor.
 20 Q. Do you remember what the treatment was?
 21 A. No, I was much younger then.
 22 MR. ZELMAN: Just answer the question, please.
 23 THE WITNESS: Okay.
 24 Q. Do you have any medical records in your
 25 possession?

119

1 A. No.
 2 Q. Do you have any medical bills in your
 3 possession?
 4 A. No, sir.
 5 Q. Do you have any medical bills outstanding,
 6 like as in not paid?
 7 MR. ZELMAN: Objection. Related to this
 8 incident?
 9 MR. THADANI: Related to this incident.
 10 Q. Do you have any medical bills outstanding?
 11 A. Yes.
 12 Q. How much in medical bills would you say?
 13 A. A couple thousand dollars.
 14 Q. Have you been able to pay for your medical
 15 care through insurance?
 16 A. Yes.
 17 Q. What kind of insurance?
 18 A. Blue Cross Blue Shield.
 19 Q. Do you get that through your work?
 20 A. Yes.
 21 Q. Why is there outstanding medical bills, what
 22 is the reason for that?
 23 A. I forgot. I have to ask. I have to ask my
 24 fiancée. I saw there is a bill. I didn't pay it.
 25 Q. When did you get it?

120

1 A. Probably a couple -- maybe about six months or
 2 maybe later. It's hard to recall some of this stuff.
 3 Q. Earlier you mentioned you were wore a soft
 4 collar?
 5 A. Yes.
 6 Q. You wore it for how long again?
 7 A. For about 30 days.
 8 Q. Why did you stop wearing it?
 9 A. It was a lot of people asking a lot of
 10 questions. So I didn't feel like answering.
 11 Q. When people asked you questions, what did you
 12 answer?
 13 A. I got injured.
 14 Q. Did you specify beyond that?
 15 A. No.
 16 Q. Did you ever wear the neck brace at work?
 17 A. No.
 18 Q. You said that you had taken off about a month
 19 from work; is that right?
 20 A. Yes.
 21 Q. Is that basically about the same time that you
 22 took off your brace and went back to work?
 23 A. Yes.
 24 Q. Is there any relationship to that?
 25 A. Yes.

30 (Pages 117 to 120)

121

1 Q. Did you not want to wear your brace at work?
 2 A. No.
 3 Q. How much money would you say you spent out of
 4 pocket in connection with paying for medical treatment
 5 or medications as a result of this injury that you
 6 alleged from this arrest?
 7 A. I would say couple hundred. I have to pay the
 8 fee to go see, the deductible.
 9 Q. Anything besides a couple hundred dollars for
 10 the deductible, any other expenses that you incurred as
 11 a result of injuries sustained from this arrest?
 12 A. Heating pads and things like that. Ointments.
 13 Q. Can you estimate what the total cost of what
 14 that would be?
 15 A. I would say a figure, \$300.
 16 Q. How would you describe your current medical
 17 condition?
 18 MR. ZELMAN: Objection to form.
 19 A. Good, except for my injuries. Overall, my
 20 back is still day by day.
 21 Q. How does the pain you are feeling in your back
 22 compare to how you felt after your car accident?
 23 A. Much more. Much more intense, ongoing, I have
 24 to change my life when I sleep. I just have to be smart
 25 about how I 99 things. I have to really be mindful of

122

1 how I, you know, pull open a door. Simple things.
 2 Q. Did you have back pain prior to your arrest
 3 ever affect your sleep?
 4 A. No.
 5 Q. Did your back pain prior to your arrest ever
 6 affect how you did things?
 7 MR. ZELMAN: Objection to form.
 8 A. Not to this extent.
 9 Q. Is there anything that you can't 99 now that
 10 you could 99 before your arrest?
 11 A. January 2014?
 12 Q. Yes. Like?
 13 A. Like sleep on my stomach.
 14 Q. What else?
 15 A. I don't play basketball anymore. As for my
 16 frequency, to be careful. I can't look like -- I can
 17 look up, but it hurts to look all the way up. To throw
 18 your neck back. And for a long time I could not even
 19 look up. I had to keep looking down.
 20 Q. Were there any medical expenses that were not
 21 covered by your health insurance?
 22 A. Not that I know of.
 23 Q. Did you suffer any psychological injuries as a
 24 result of this arrest?
 25 A. Yes.

123

1 Q. Can you explain?
 2 A. I feel a little embarrassed to have your
 3 neighbor see you are being carried out. I got beat up
 4 by the police and get beat up by them. So basically I
 5 felt I get a little nervous around cops. Well, a lot of
 6 nervous.
 7 Q. Have you interacted with police officers after
 8 the arrest?
 9 A. Just a ticket.
 10 Q. Ticket for what?
 11 A. Improper turn.
 12 Q. So a traffic stop?
 13 A. Yes.
 14 Q. When was that?
 15 A. About two weeks ago or maybe a month ago.
 16 Q. What happened with that?
 17 A. I started to get a little nervous.
 18 MR. ZELMAN: Objection to form.
 19 THE WITNESS: Say what again?
 20 MR. ZELMAN: You can answer.
 21 A. I started getting nervous and shaken a little
 22 bit. I thought I was going to get pulled out the car
 23 and busted up.
 24 Q. Were you taken out of the car?
 25 A. No.

124

1 Q. How long was the interaction with the police
 2 officers?
 3 A. About ten minutes.
 4 Q. Did he write you a ticket?
 5 A. Yes.
 6 Q. Did you pay the ticket?
 7 A. Not currently.
 8 Q. Are you planning to?
 9 A. No, because I was stuck in traffic and I had
 10 to make that turn to stop from impeding traffic.
 11 Q. So you will fight it?
 12 A. Yes.
 13 Q. Since the arrest, have you seen therapists, or
 14 a counselor, or anything and talked about what happened?
 15 A. Yes.
 16 Q. When was this?
 17 A. At the VA Hospital.
 18 Q. I thought you said you stopped going to the VA
 19 Hospital?
 20 A. I started going back to speak with a therapist
 21 not for, you know, for physical. For mental.
 22 Q. Why did you decide to go there?
 23 A. I started drinking a little more than usual
 24 after that.
 25 Q. Have you decided whether to go to the VA

31 (Pages 121 to 124)

125

1 Hospital or go to a regular doctor? For instance, you
 2 said you went to the VA Hospital and chiropractor there
 3 and then changed, how do you make the determination to
 4 go to the VA Hospital or somewhere else?
 5 A. I try to 99 new things to help.
 6 Q. Were you not satisfied with the care at the VA
 7 Hospital with respect to your back?
 8 A. Dr. James is a good chiropractor. So I stick
 9 with him.
 10 Q. What made you decide to leave VA Hospital and
 11 try someone else?
 12 A. Just somebody suggested.
 13 Q. Did you feel like their treatment was not
 14 effective?
 15 A. No, I can't say that.
 16 Q. Why did you just keep going there?
 17 A. Probably location-wise.
 18 Q. Have you always seen Dr. James at one location
 19 or multiple locations?
 20 A. Just one location.
 21 Q. How many times did you see, you said you spoke
 22 with a therapist; is that right?
 23 A. Yes.
 24 Q. Besides that therapist at the VA Hospital,
 25 have you seen anyone else for treatment counseling to

126

1 talk about your emotional --
 2 A. No.
 3 Q. How many times did you go to the VA Hospital
 4 to talk to a therapist?
 5 A. Like twice.
 6 Q. When was that?
 7 A. Maybe four months ago.
 8 Q. When was the second time?
 9 A. Probably like maybe two weeks after that.
 10 Q. What did you tell them?
 11 A. It was for how it made me feel.
 12 Q. Can you be more specific.
 13 A. Feeling like I was violated, try to pay -- I
 14 felt like I was violated.
 15 Q. Did they give you any medications?
 16 A. No, I stopped going.
 17 Q. Why did you stop?
 18 A. Because it don't seem like anybody wanted to
 19 make me old. I am not going to -- it is something that
 20 I have to live with, I realize.
 21 Q. Did you find that going to therapist was not
 22 really helping?
 23 A. It was not really helping in my opinion. When
 24 you see cops or you with your family, you know, how it
 25 goes.

127

1 Q. Had you ever seen a therapist before your
 2 arrest?
 3 A. No.
 4 Q. Have you ever seen a mental health provider
 5 before your arrest?
 6 A. No, I don't believe so. I don't believe I
 7 did.
 8 Q. Is this the only time you have seen a mental
 9 therapist at the VA Hospital?
 10 A. Yes.
 11 Q. Do you get paid on a salary or do you get paid
 12 by the hour at the United States Postal Service?
 13 A. Biweekly.
 14 Q. Is that a salary, biweekly?
 15 A. Yes.
 16 Q. You had to use your vacation day to take the
 17 time off?
 18 A. Yes.
 19 Q. Did you have to use any sick days or anything
 20 else?
 21 A. I think I used sick time, too.
 22 Q. Did you have to sacrifice any pay or vacation
 23 and?
 24 A. Some vacation time.
 25 Q. So were you paid for the entire time that you

128

1 missed?
 2 A. I think until like two weeks.
 3 Q. So you were paid for two weeks of the time
 4 that you missed?
 5 A. No, two times weeks less. I was not paid for
 6 two weeks.
 7 Q. So you took four weeks off?
 8 A. Yes.
 9 Q. So you were paid for two weeks and not paid
 10 for the other two?
 11 A. No, I was paid for a month. I mean, I was
 12 paid for about four weeks. And then I took six weeks
 13 off. And the last two weeks I did not get paid.
 14 Q. So you took six weeks off, total?
 15 A. Yes.
 16 Q. And the reason that you gave at work was
 17 family emergency?
 18 A. Yes.
 19 Q. Did any of your doctors, Dr. James,
 20 Dr. Switzer, anyone else tell you or suggest that you
 21 should miss work or did they didn't say anything about
 22 it?
 23 A. They didn't say.
 24 Q. Did you ask them what their thoughts were
 25 about it?

32 (Pages 125 to 128)

129

1 A. No, I didn't. I was not ready to be around
 2 people for a while.
 3 Q. Do you know what ACS is?
 4 A. Yes, I 99.
 5 Q. What is ACS?
 6 A. It is for children. To protect children.
 7 Q. Do you know whether there was an ACS or child
 8 service investigation into what happened on January 15,
 9 2014?
 10 A. It was. And the doctor said there was no need
 11 for that at the hospital.
 12 Q. Which doctor?
 13 A. This is what my daughter's mother told me.
 14 That's what they told her, they were not referring to
 15 ACS. They did not 99 that.
 16 Q. Was that the end of it?
 17 A. That was the end of it.
 18 Q. So you never spoke anyone at ACS?
 19 A. No.
 20 Q. Did you ever file a complaint with the police
 21 department or with any other agency with respect to your
 22 arrest?
 23 A. I wanted to, I just didn't know how.
 24 Q. Did you try to find out?
 25 A. I wanted to, but I just didn't know how. I

130

1 went down to One Police Plaza, but they said I was in
 2 the wrong place.
 3 Q. When did you do that?
 4 A. A little bit after I was released.
 5 Q. What did you want to tell them?
 6 A. How I was treated.
 7 Q. Did you ever file a Notice of Claim? Do you
 8 know what a Notice of Claim is?
 9 A. No.
 10 Q. Who have you spoken to about what happened on
 11 January 15, 2014?
 12 A. I reached out to a couple of people. I was
 13 able to speak with Mr. David.
 14 Q. Who?
 15 A. David.
 16 Q. Your attorney?
 17 A. Yes.
 18 Q. You said "couple people" who else have you
 19 spoken to, whether or not they are attorneys or not,
 20 just generally?
 21 A. Not many people. This is the first time, I
 22 have never been through anything like that before.
 23 Q. How did you come to be represented by
 24 Mr. Zelman?
 25 A. Through another law firm. Because I had

131

1 spoken with my lawyer and she told me to go see a
 2 lawyer. And the lady that represented me in the case.
 3 Q. In the criminal case?
 4 A. Yes. She told me where I could go.
 5 Q. Have you ever been arrested prior to your
 6 arrest in January 15, 2014?
 7 A. Have I ever been arrested? Prior means before
 8 right?
 9 Q. Yes.
 10 A. Yes, I have.
 11 Q. How many times?
 12 A. Six maybe.
 13 Q. How many times have you been arrested since
 14 January 15, 2014?
 15 MR. ZELMAN: I will allow it with respect to
 16 any convictions that he has had.
 17 A. None.
 18 Q. Let's talk about those six times. What was
 19 the first time?
 20 MR. ZELMAN: First time what?
 21 MR. THADANI: He said he was arrested six
 22 times prior to his arrest.
 23 MR. ZELMAN: I will allow him to answer with
 24 respect to convictions only.
 25 MR. THADANI: Let's go off the record.

132

1 (Whereupon, an off-the-record discussion was
 2 held.)
 3 MR. THADANI: Back on the record.
 4 Q. Going back to the incident of January 15,
 5 2014. You said you had cuts and scrapes on your face?
 6 A. Yes.
 7 Q. Did you have treatment for that or did it go
 8 away on its own?
 9 A. It went away.
 10 Q. Did you have bandages at all?
 11 A. At first bacteria.
 12 MR. THADANI: Please read it back.
 13 (Whereupon, the referred to question and
 14 answer was read back by the reporter.)
 15 Q. When you were at Interfaith Hospital, did you
 16 get, did they give you treatment for cuts on your face
 17 or anything?
 18 A. They just gave me first aid ointment, I guess
 19 it was.
 20 Q. Have you ever been a party to any other
 21 lawsuits?
 22 MR. ZELMAN: Objection. You can answer.
 23 THE WITNESS: I can answer?
 24 MR. ZELMAN: Yes. Other than what you already
 25 testified to.

33 (Pages 129 to 132)

133

1 A. That's all to my knowledge.
 2 Q. Just the one in connection with the car
 3 accident?
 4 A. Yes.
 5 Q. And then this one?
 6 A. Yes.
 7 Q. And no other lawsuits?
 8 A. No.
 9 Q. Have you ever been a witness for a lawsuit?
 10 A. No.
 11 Q. Have you ever testified in court?
 12 A. No.
 13 Q. Have you ever been deposed before?
 14 A. No.
 15 Q. Do you know what I mean when I say deposed?
 16 A. Like what I'm doing today?
 17 Q. Yes.
 18 A. Yes.
 19 Q. Against the City of New York claim, aside from
 20 this case?
 21 A. No.
 22 Q. Do you have social media accounts?
 23 A. Yes.
 24 Q. What social media accounts do you have?
 25 A. Just Facebook.

134

1 Q. Do you regularly use Facebook?
 2 A. No.
 3 Q. Do you use it at all?
 4 A. Just to, you know. No, not really.
 5 Q. Do you post pictures on there?
 6 A. A long time ago.
 7 Q. How long ago?
 8 A. Maybe about six years ago or five years.
 9 Q. Do you have anything like Twitter, or
 10 Instagram, or anything like that?
 11 A. No.
 12 Q. LinkedIn?
 13 A. No.
 14 Q. How many times have you been arrested that
 15 resulted in a conviction?
 16 MR. ZELMAN: If you know.
 17 A. To my knowledge, once.
 18 Q. When was that?
 19 A. That was in 2000. I'm not sure of the date.
 20 I think 2000.
 21 Q. And what happened there?
 22 A. Or maybe less than that.
 23 MR. ZELMAN: Objection to form.
 24 Q. What were the charges of the address?
 25 A. Attempt to trespass and menacing.

135

1 Q. Menacing?
 2 A. Yes.
 3 Q. What happened?
 4 MR. ZELMAN: Objection. What does it mean?
 5 Q. Do you understand the question? I am asking
 6 why were you arrested for attempting trespassing and
 7 menacing?
 8 MR. ZELMAN: Objection to form. You can
 9 answer.
 10 A. It was my ex-wife. I was calling her against
 11 an order of protection.
 12 Q. I am sorry?
 13 A. I was calling my kids against an order of
 14 protection or something like that.
 15 Q. When was the order of protection placed
 16 against you?
 17 A. When she went for child support.
 18 Q. This is your ex-wife?
 19 A. Yes.
 20 Q. What were the terms of the order of
 21 protection?
 22 A. I was not sure.
 23 Q. What did you understand them to be?
 24 A. Don't go near her.
 25 Q. For how long?

136

1 A. A year.
 2 Q. So were you arrested in connection with a
 3 charge for attempted trespass and menacing?
 4 A. Yes.
 5 Q. How long were you in police custody?
 6 A. A day and a half.
 7 Q. And then what happened?
 8 A. I went to trial.
 9 Q. A jury trial?
 10 A. No.
 11 Q. What kind of trial?
 12 A. Judge.
 13 Q. And what happened at the trial?
 14 A. I was convicted of those charges.
 15 Q. What was the sentence?
 16 A. Two years' probation.
 17 Q. Did you testify at that time of trial?
 18 A. No.
 19 Q. Did anyone testify at that trial?
 20 A. She did.
 21 Q. Anyone else?
 22 A. And a cop.
 23 Q. A cop?
 24 A. Yes.
 25 Q. No jury?

34 (Pages 133 to 136)

137

1 A. No.
 2 Q. Just a judge?
 3 A. Yes.
 4 Q. Did you sustain any injuries as a result of
 5 the arrest?
 6 A. No.
 7 Q. After a day and a half that you were in police
 8 custody, how were you released, was it on your own
 9 recognizance?
 10 A. Yes.
 11 Q. Is that the only order of protection that was
 12 against you?
 13 A. No, she had another one.
 14 Q. When was that?
 15 A. One was for the custody of my kids.
 16 Q. Do you know what time period that was?
 17 A. I don't quite remember.
 18 Q. So how many times have you had an order of
 19 protection against you?
 20 MR. ZELMAN: Objection. What is the possible
 21 relation to this case?
 22 MR. THADANI: I guess we will see. It depends
 23 on what his answers are.
 24 MR. ZELMAN: Mark that also for a ruling.
 25 Unless you can provide anything what these orders

138

1 of protection has to do with that case from the
 2 '90s --
 3 MR. THADANI: One of them clearly has to 99
 4 with an arrest.
 5 MR. ZELMAN: Okay. So what is the fishing for
 6 more? This is in the 90s. Order of protections?
 7 What is the possible relevance and what does it
 8 have to do with this case?
 9 MR. THADANI: Just mark it.
 10 MR. ZELMAN: I am willing to negotiate it with
 11 you. I just don't understand why you are going
 12 into it, for what reason. I don't see the possible
 13 relevance it has to this case.
 14 MR. THADANI: Leave it and mark it as part of
 15 the other ruling.
 16 MR. ZELMAN: Okay.
 17 MR. THADANI: Let's go off the record.
 18 (Whereupon, an off-the-record discussion was
 19 held.)
 20 MR. THADANI: Back on the record.
 21 Q. So after you were arrested in January 15,
 22 2014, what was your primary complaint to the police
 23 officers and to the hospital with respect to your
 24 injuries?
 25 MR. ZELMAN: Objection to form. You can

139

1 answer.
 2 Q. What were the primary complaints?
 3 A. That I was in a lot of pain.
 4 Q. I mean what specifically, what part of your
 5 body?
 6 A. My lower back. My back in general. My neck,
 7 and my shoulders.
 8 Q. Do you recall emphasizing that it was your
 9 right shoulder in particular that was hurting?
 10 A. I know I was in a lot of pain.
 11 Q. Aside from the soft collar that you wore after
 12 you were arrested, did you ever use any neck or back
 13 braces?
 14 A. No.
 15 Q. In your entire life, have you ever used a neck
 16 or back brace?
 17 A. No.
 18 Q. Have you tried to use a back brace to help
 19 with your pain at any point?
 20 A. Yes, I have tried to wrap it up before.
 21 Q. When was that?
 22 A. Probably the first time I injured my back.
 23 Q. So back after the car accident?
 24 A. Yes.
 25 Q. Did you find that to be helpful to wrap your

140

1 back up?
 2 A. Yes.
 3 Q. Why did you not continue to 99 that?
 4 A. Because at that time my back had gotten
 5 better.
 6 Q. At any point when your back did hurt, did you
 7 ever try to wrap your back?
 8 A. No, I just went for treatment.
 9 Q. Is the pain to your back now better than it
 10 was?
 11 A. No.
 12 Q. Sorry, let me finish that?
 13 A. Sorry.
 14 Q. Would you say that the pain is the same since
 15 the time of your arrest to now to your back?
 16 A. Some days are better than others.
 17 Q. Some days it's better, some days it's worse?
 18 A. Yes.
 19 Q. Do you play any sports?
 20 A. Not anymore.
 21 Q. When was the last time you played a sport?
 22 A. It's been a while.
 23 Q. How long do you think?
 24 A. Ever since this accident I have not had any
 25 thinking about playing sports.

35 (Pages 137 to 140)

141

1 Q. Did you play sports before your arrest in
2 2014?
3 A. Yes.
4 Q. What sports did you play?
5 A. Basketball.
6 Q. When was the last time you played basketball
7 before your arrest in January 2014?
8 A. I can't remember. But always during the
9 summer with my kids, during the warm months.
10 Q. Do you recall playing basketball in the summer
11 months of 2013?
12 A. 2013, yes.
13 Q. Have you taken any vacation since the arrest
14 of 2014?
15 A. No.
16 Q. Did you do any chores around the house?
17 A. Yes.
18 Q. What kind of chores?
19 A. Whatever is needed.
20 Q. Can you give me some examples?
21 A. Like clean up, sweep the floor, cook.
22 Q. On a scale of one to ten, what was the level
23 of pain on the day of your incident?
24 A. A ten.
25 Q. How about today?

142

1 A. Today, I would say it's about a six.
2 Q. How about a month after the arrest?
3 A. It was a ten.
4 Q. How about a year after the arrest?
5 A. Some days ten, some days a six.
6 MR. THADANI: Off the record.
7 (Whereupon, an off-the-record discussion was
8 held.)
9 MR. THADANI: Back on the record.
10 Q. So you had mentioned that you had been
11 arrested six times before your arrest in 2014?
12 A. Yes.
13 Q. And one of those times you mentioned you were
14 in custody for two-and-a-half days; is that correct?
15 A. One-and-a-half days.
16 Q. Let's talk about the other five.
17 MR. THADANI: Dates can I get? Can I get the
18 years from him?
19 MR. ZELMAN: Yes.
20 Q. What year was the first one? Or what were the
21 years of the five?
22 A. I don't know. I don't remember. I can't
23 quite remember the year.
24 Q. You don't remember the years for any of them?
25 A. No, I know it's like 2000-something.

143

1 Q. All of them?
2 A. Back from 2000, '94.
3 Q. Let's 99 it like in your mind and go in order,
4 okay. Without telling me what the arrest was for for
5 now, how long, let's 99 five. So for the first one, how
6 long were you in police custody?
7 A. I don't remember.
8 Q. Do you remember if you were in police custody
9 in connection with the first arrest?
10 A. Every arrest I was in police custody.
11 Q. You don't remember for the first one, how long
12 it would have been?
13 A. No.
14 Q. Was it more than a day?
15 A. I would guess.
16 MR. ZELMAN: Without guessing.
17 Q. I don't want you to guess. Are you not sure?
18 A. No.
19 Q. So over a day, but you are not sure?
20 A. Right.
21 Q. Have you ever been incarcerated like at Rikers
22 Island or any other prison?
23 A. Yes.
24 Q. So, hold on. The second arrest, how long were
25 you in police custody?

144

1 A. I don't remember.
2 Q. In connection with those first two arrests,
3 were you ever incarcerated past police custody and put
4 in jail?
5 A. I was for the conviction. I did not finish my
6 probation. That is how I ended up at Rikers.
7 Q. That is only one time?
8 A. Yes.
9 Q. Is that the only time you were in jail for an
10 extended period of time more than like a few days?
11 A. Yes.
12 Q. What year was that, when was that time period?
13 A. I can't remember.
14 Q. But it was after your conviction?
15 A. Yes.
16 Q. And do you recall how long you were at Rikers
17 Island?
18 A. Eighteen days.
19 Q. And then you were released, why were you
20 released?
21 A. That was it.
22 Q. Your time sentence?
23 A. Violation of probation.
24 Q. Were you arrested in connection with violation
25 of probation?

36 (Pages 141 to 144)

145

1 A. Yes.
 2 Q. When was that?
 3 A. That was after -- that's all with that.
 4 Q. When you say "that case" do you mean the
 5 menacing?
 6 A. Yes.
 7 Q. Did you plead guilty to that to violating the
 8 probation, what was the resolution of the criminal case?
 9 A. I don't quite remember.
 10 Q. So going to, we talked about the first two
 11 arrests and you said you did not recall how long you
 12 were in police custody, right?
 13 A. Right.
 14 Q. Let us go to the third one. Do you recall how
 15 long you were in custody for that one?
 16 A. No, I don't. All these, I just know I was
 17 arrested.
 18 Q. How about for the fourth?
 19 A. No.
 20 Q. How about the fifth?
 21 A. It's a long time ago.
 22 Q. So you don't remember how long you were in
 23 police custody for any of those five arrests?
 24 A. No.
 25 Q. In connection with any of those arrests, were

146

1 you in custody for longer than a day?
 2 A. No.
 3 Q. Without telling me what the charges were, do
 4 you know, for any of those arrests, what you were
 5 arrested for without telling me?
 6 MR. ZELMAN: Objection. He is asking for a
 7 yes or a no. Do you know what you were arrested
 8 for? What were the charges, if you know?
 9 THE WITNESS: For driving with a suspended
 10 license.
 11 MR. ZELMAN: Without telling him, he is asking
 12 if you know.
 13 Q. The five arrests, do you recall for any of
 14 those five that you were charged with?
 15 MR. ZELMAN: Don't tell him what it is. All
 16 right. Yes or no.
 17 A. No.
 18 Q. For any of the five you don't remember?
 19 A. What I was arrested for?
 20 Q. Yes.
 21 MR. ZELMAN: Again, you are doing it again.
 22 Yes or no, if you know, yes, if you don't know, you
 23 don't know.
 24 A. Yes.
 25 Q. How many of the five do you know what you were

147

1 charged with?
 2 A. Like two.
 3 Q. Two of the five, the other three you don't
 4 remember at all?
 5 A. They are all in the same thing.
 6 MR. ZELMAN: Sir, if you don't understand what
 7 he is asking you, don't answer. He is asking,
 8 without telling him, the reason for the arrest, do
 9 you know the reason, what the charge was. That is
 10 what he is asking. Don't tell him the reason.
 11 THE WITNESS: Okay, no.
 12 Q. So how many of those five do you know the
 13 reason?
 14 MR. ZELMAN: Without telling him the reason.
 15 THE WITNESS: All right.
 16 A. I could say one.
 17 Q. One of the five?
 18 A. Yes.
 19 Q. And the other four you don't remember?
 20 A. I don't remember.
 21 Q. Do you know if you ever had to pay bail ever?
 22 A. Yes.
 23 Q. How many times?
 24 A. Once.
 25 Q. Is that in connection with one of these five

148

1 arrests that didn't result in a conviction?
 2 A. Yes.
 3 Q. In connection with an arrest, have you ever
 4 sustained injuries?
 5 A. This is the only case.
 6 Q. Have you ever been charged with resisting
 7 arrest before?
 8 A. Never.
 9 MR. THADANI: We can go off the record.
 10 (Whereupon, an off-the-record discussion was
 11 held.)
 12 MR. THADANI: Back on the record. I am
 13 finished.
 14 EXAMINATION BY
 15 MR. ZELMAN:
 16 Q. Mr. Thompson, earlier you testified that you
 17 went to the VA Hospital in 2015 for a consultation; is
 18 that correct?
 19 A. Yes.
 20 Q. What brought you to go to the VA Hospital in
 21 2015?
 22 A. I received a letter from the VA about I should
 23 go down and get screened for PTSD.
 24 Q. And is that what you did?
 25 A. Yes.

37 (Pages 145 to 148)

149

1 Q. And in that screening, how many times did you
2 go, was it once or twice?
3 A. It was, I believe, once.
4 Q. You met with somebody there?
5 A. Yes.
6 Q. What did you discuss with them?
7 A. Everything about life.
8 Q. Everything?
9 A. Yes.
10 Q. Did you go there specifically to get treatment
11 for this arrest in January 2014?
12 A. No. Not specifically.
13 Q. Did they ever provide treatment after that
14 consultation?
15 A. No.
16 MR. ZELMAN: I have nothing further.
17 MR. THADANI: I have followups to that.
18 EXAMINATION BY
19 MR. THADANI:
20 Q. First, when you went to the VA Hospital, did
21 you talk to somebody there about your arrest in 2014?
22 A. I'm not quite sure. I believe I did. Because
23 we spoke about everything.
24 Q. Do you know why they sent you a letter for
25 screening for PTSD?

150

1 A. I think they were sending all veterans in that
2 year.
3 Q. Have you understood all of my questions here
4 today?
5 A. Yes, as best I could.
6 Q. Do you want to correct or add to any prior
7 answer?
8 MR. ZELMAN: When you get the transcript, you
9 will have an opportunity and you will get to
10 correct it. If you know of something now.
11 Q. Do you want to correct or add to any prior
12 answer now?
13 A. No.
14 Q. With respect to getting correction, that is
15 more directed to the court reporting. Do you want to
16 add to an answer or correct any answers, so do you want
17 to 99 that or not?
18 A. I don't quite remember most of the questions.
19 Q. Have I been courteous and allowed you to fully
20 answer all of my questions?
21 A. Yes.
22 MR. THADANI: So at this time I have no
23 further questions. I want to keep the deposition
24 open to the extent, one, we get additional medical
25 records from medical providers that were referenced

151

1 today and not previously disclosed. And two, to
2 the extent that we get a ruling from the judge with
3 respect to the arrest information that did not
4 result in a conviction.
5 EXAMINATION BY
6 MR. ZELMAN:
7 Q. You testified that you treated with a woman
8 approximately six years ago for acupuncture; is that
9 right?
10 A. Yes.
11 Q. Was that approximately 2010, 2009, 2011?
12 A. I don't quite remember.
13 Q. How many times did you meet with this woman?
14 A. One time.
15 Q. And you don't know her name; is that right?
16 A. No.
17 Q. You think you can get it?
18 A. I can try.
19 Q. But you don't know if you could?
20 A. I don't think one hundred percent, if she
21 moved.
22 Q. Okay. And it was acupuncture on your lower
23 back?
24 MR. ZELMAN: Yes.
25 MR. THADANI: Objection.

152

1 MR. ZELMAN: Nothing further.
2 MR. THADANI: Off the record.
3 (Whereupon, an off-the-record discussion was
4 held.)
5 MR. ZELMAN: Back on the record.
6 EXAMINATION BY
7 MR. THADANI:
8 Q. Before your arrest in January 2014, you were
9 arrested six other times; is that correct?
10 A. Yes.
11 Q. Five of those times the arrest did not result
12 in a conviction?
13 A. As far as I can remember.
14 Q. Can you tell me, out of those five arrests, to
15 the best that you can remember, what were the charges on
16 those arrests?
17 THE WITNESS: So can I answer now?
18 MR. ZELMAN: Yes.
19 A. The charges was driving with a suspended
20 license.
21 Q. How many times were you charged with that?
22 A. Like maybe twice.
23 Q. And how about the other three times that you
24 were arrested, do you remember what the charges were?
25 A. Yes, I didn't pay a ticket.

38 (Pages 149 to 152)

153

1 Q. Were there any other charges besides, for
 2 instance, for the arrest that was for not paying a
 3 ticket, were there any other charges besides that?
 4 A. I am not sure they had a warrant for me for
 5 not paying an open container ticket.
 6 Q. For the times that you were charged with
 7 driving with a suspended license, were there other
 8 charges as well?
 9 A. No.
 10 Q. So were you charged with a driving suspended
 11 twice and not paying a ticket, how about any other
 12 charges?
 13 A. And a violation. Violating the order of
 14 protection.
 15 Q. How many times were you charged with violating
 16 the order of protection?
 17 A. The rest of the times.
 18 Q. How many times, would you say?
 19 A. Five, I guess. Two times.
 20 Q. Are you sure? Do you know one way or the
 21 other if it is two or three?
 22 A. I am not sure.
 23 Q. In connection with those arrests, do you
 24 recall how long you were in police custody for any of
 25 them?

154

1 A. No, I don't.
 2 Q. But you 99 recall being in police custody for
 3 some amount of time for the arrest?
 4 A. Yes.
 5 Q. Do you remember the time period for those
 6 arrests, when they happened?
 7 A. No.
 8 Q. Did they happen more than ten years ago?
 9 A. About ten years ago.
 10 Q. All of them happened about ten years ago?
 11 A. Yes.
 12 MR. THADANI: Okay. I have no further
 13 questions.
 14 MR. ZELMAN: Note for the record that I waived
 15 my objection to his questions. You should really
 16 call back the judge and let her know. Thank you.
 17 (Whereupon, at 3:59 P.M., the examination of
 18 this witness was concluded.)
 19
 20 _____
 21 LARRY THOMPSON
 22 Subscribed and sworn to before me
 23 this ____ day of _____ 20____.
 24 _____
 25 NOTARY PUBLIC

155

1 INDEX
 2
 3 EXAMINATION BY PAGE
 4 MR. THADANI 4, 149, 152
 5 MR. ZELMAN 148, 151
 6
 7
 8 INFORMATION AND/OR DOCUMENTS REQUESTED
 9 INFORMATION AND/OR DOCUMENTS PAGE
 10 Medical records 150 - 151
 11
 12
 13 QUESTIONS MARKED FOR RULINGS
 14 PAGE LINE QUESTION
 15 115 21 So, who did you make the claim against?
 16 137 18 So how many times have you had an order of
 17 protection against you?
 18
 19
 20
 21
 22
 23
 24
 25

156

1 CERTIFICATE
 2
 3 STATE OF NEW YORK)
 4 : SS.:
 5 COUNTY OF KINGS)
 6
 7 I, GERMILA DONALD, a Notary Public for and within
 8 the State of New York, do hereby certify:
 9 That the witness whose examination is hereinbefore
 10 set forth was duly sworn and that such examination is a
 11 true record of the testimony given by that witness.
 12 I further certify that I am not related to any of
 13 the parties to this action by blood or by marriage and
 14 that I am in no way interested in the outcome of this
 15 matter.
 16 IN WITNESS WHEREOF, I have hereunto set my hand
 17 this 16th day of March 2016.
 18
 19 _____
 20 GERMILA DONALD
 21
 22
 23
 24
 25

39 (Pages 153 to 156)

A			
ABF (1) 81:4 able (6) 22:9 73:12 103:13 114:14 119:14 130:13 abuse (6) 43:14 46:6 74:12 76:14,17,20 abused (3) 21:24 37:24 46:7 abusing (1) 37:23 accident (16) 90:7,8,16 91:10 95:13 114:2,6 115:18 116:1,3 117:3,8 121:22 133:3 139:23 140:24 accounts (2) 133:22,24 accurately (1) 5:16 accused (1) 116:17 ACD (5) 73:23,24 74:1,4 76:22 ACS (5) 129:3,5,7,15,18 acting (1) 88:5 action (1) 156:12 acupuncture (7) 110:3,17,23 111:9,10 151:8,22 add (3) 150:6,11,16 additional (1) 150:24 address (5) 8:10,11 10:10 46:8 134:24 administer (1)	3:11 advise (1) 109:16 advised (2) 97:7 108:14 affect (2) 122:3,6 African-American... 40:22 afternoon (1) 17:12 agency (1) 129:21 agents (2) 22:16 24:4 ages (1) 9:1 ago (28) 7:2 54:18 55:2 87:19 88:16,22 96:5 100:15 101:20 102:13,14 104:3 106:25 111:19 112:18,20 116:3 123:15,15 126:7 134:6,7,8 145:21 151:8 154:8,9,10 agree (1) 38:12 AGREED (3) 3:3,6,9 ahead (3) 57:22 66:16 116:23 aid (1) 132:18 alcohol (2) 5:12 18:6 Aleve (9) 87:7,12,18,24 91:24 97:13,16,21 98:5 allegations (1) 43:14 alleged (1) 121:6 alleging (2) 67:20,22 allow (5)	75:18 114:25 115:1 131:15,23 allowed (1) 150:19 ambulance (5) 65:1,21 66:17,19 67:3 amount (3) 68:12 111:22 154:3 AND/OR (2) 155:8,9 angle (1) 59:19 angry (3) 24:25 36:25 57:25 Annetta (4) 36:8,11 39:18 78:17 annoyed (4) 25:3,5 37:2,5 anonymous (4) 21:23 23:13 37:22 49:11 answer (40) 6:3,17 13:25 16:2 21:1,2 28:7,12 34:23 38:25 41:14 43:18,22 44:4,11 45:18 46:13 53:19 54:1,9 98:11 115:23 116:15,17 117:18 118:22 120:12 123:20 131:23 132:14,22 132:23 135:9 139:1 147:7 150:7,12,16 150:20 152:17 answered (4) 21:16 30:8 39:12 116:11 answering (1) 120:10 answers (3) 6:14 137:23 150:16 anybody (4) 38:4 43:6 66:24 126:18 anymore (4)	50:1 91:1 122:15 140:20 apartment (68) 4:9 8:12,15 14:14,15 14:22 15:13,18 17:22 18:13 19:9 19:17,21,24 20:1,6 21:13,19,25 22:4,15 23:15,20,22 24:4,7 25:1,4,16 26:8,21 26:25 27:9,24 29:8 29:9,12,13,17 30:1 30:7 31:14 32:22 32:23 33:10,11,14 33:16,23 37:4,6,14 38:22 39:2 40:3 41:11 47:2,5,9,10 50:24 51:3,11,13 52:7,8,12 58:5 apartments (2) 23:24 24:9 appear (1) 20:16 appearance (4) 77:4,5,12,12 applied (1) 108:11 appointment (8) 13:23 17:5,11,15,15 98:22 104:6,10 appointments (1) 104:12 approximately (5) 14:8 19:12 29:14 151:8,11 Archer (5) 36:11 39:18 77:24 78:17,17 area (3) 58:18 59:13 108:11 areas (2) 115:2,3 arms (6) 47:13,25 55:22 60:1 60:23 67:12 arrest (82) 13:15 14:18 16:8

18:8 41:19 48:3,7 48:23 49:24 53:25 55:10,12 67:21 69:8 72:22 78:6 79:21 81:16 82:4 82:22 95:25 96:22 97:2,17,20,22 98:6 98:9,16,24 99:10 100:17 101:15 103:6,15,19 107:20 108:5 109:13 113:9 113:16 114:3,9,19 114:24 115:6 121:6 121:11 122:2,5,10 122:24 123:8 124:13 127:2,5 129:22 131:6,22 137:5 138:4 140:15 141:1,7,13 142:2,4 142:11 143:4,9,10 143:24 147:8 148:3 148:7 149:11,21 151:3 152:8,11 153:2 154:3 arrested (28) 13:19 14:9,13 16:5 16:11 17:22 18:3 55:8 62:23 83:5 85:3 131:5,7,13,21 134:14 135:6 136:2 138:21 139:12 142:11 144:24 145:17 146:5,7,19 152:9,24 arrests (15) 53:15,16 54:2,10 144:2 145:11,23,25 146:4,13 148:1 152:14,16 153:23 154:6 arrive (1) 66:10 arrived (1) 40:25 ashamed (1) 85:15 aside (2)	133:19 139:11 asked (15) 21:21 23:12 24:18 26:10 39:16 46:4 46:14 56:4 61:11 61:21 65:10 79:14 84:19 107:10 120:11 asking (17) 6:17 43:16 45:13 46:9 53:21,22 65:12,19 66:12,14 120:9 135:5 146:6 146:11 147:7,10 assert (1) 53:18 assistance (1) 65:8 assistant (1) 111:13 assume (1) 6:4 assumed (1) 21:16 attacking (1) 46:22 Attempt (1) 134:25 attempted (1) 136:3 attempting (1) 135:6 attention (8) 13:15 62:6,18 65:3 65:20 66:12,15 67:5 attorney (11) 2:3,8 7:1,4 32:14 72:11 73:25 75:19 75:20,23 130:16 attorneys (3) 3:4 116:7 130:19 August (1) 7:13 authorized (1) 3:11 automatic (2)	83:7,12 Avenue (3) 91:5,6 110:12 Aviation (1) 81:6 aware (4) 44:24,25 53:19 115:10 A.M (1) 1:13 <hr/> B <hr/> baby (4) 24:1 63:8 64:6,8 back (123) 4:21 7:18 13:23 19:16 25:12 26:6 29:5,7 32:11 33:25 34:9,10,15,21 35:3 40:2 46:13,24 48:1 48:18,19 50:3,6 53:2 54:7 56:5,6 59:21 60:23 61:1 67:12,22 68:12,16 68:25 69:11,17 70:15,18 74:25 82:3 86:1 88:5 90:12,17 92:10,19 93:10,13 95:4,11,14 95:18,20 96:7,20,20 97:8 98:7,10,18 101:5 102:3,4,7,21 103:22 104:7,8 105:7,19 106:3 107:6,8,12,19 108:9 109:5,9,23 110:18 111:11,16,16 112:24 113:10,18 114:21 115:11 117:9 118:6 120:22 121:20,21 122:2,5 122:18 124:20 125:7 132:3,4,12,14 138:20 139:6,6,12 139:16,18,22,23 140:1,4,6,7,9,15 142:9 143:2 148:12	151:23 152:5 154:16 Backing (1) 100:16 bacteria (1) 132:11 bad (2) 86:1 101:5 bags (1) 16:13 bail (1) 147:21 bandages (1) 132:10 base (1) 13:2 basically (21) 11:21 31:4 37:3,8 41:15 43:6 46:21 49:7 63:16 71:4 75:14 76:17 85:11 85:21 86:4 97:9 105:21 110:22 117:5 120:21 123:4 basketball (4) 122:15 141:5,6,10 bathroom (5) 19:16,16,24 20:3 35:7 beat (10) 38:20 39:2 44:12 73:2 81:22 85:13 85:22 101:1 123:3 123:4 beaten (1) 68:13 beating (3) 39:11,15 41:7 bed (2) 23:2 37:11 bedroom (6) 22:3,10 23:6,7,10 58:8 behalf (1) 4:14 believe (10) 14:7 27:5 49:5 98:4
---	---	--	--

115:16 117:15 127:6,6 149:3,22 bell (3) 33:13 105:12,16 belly (1) 58:19 best (4) 15:3 78:5 150:5 152:15 better (16) 34:7,8 86:23 92:1,3 94:13 95:9,11 101:7,8 112:16,17 140:5,9,16,17 beyond (1) 120:14 big (1) 12:21 bilateral (1) 113:2 bill (1) 119:24 bills (5) 119:2,5,10,12,21 birth (1) 7:12 birthday (2) 13:22 62:11 bit (4) 89:16 92:3 123:22 130:4 biweekly (2) 127:13,14 black (4) 20:17 28:18,22 41:2 bleeding (3) 60:7,9 107:21 block (2) 45:21 80:11 blocks (3) 104:16,19,21 blood (3) 66:25 67:2 156:12 blue (3) 30:25 119:18,18 body (7) 67:15 69:10,16 95:19	105:18 114:20 139:5 Bolts (1) 81:6 born (4) 17:6 69:6,7 118:3 bothering (5) 87:13 92:10 108:11 109:6 110:18 bottom (1) 106:4 brace (9) 68:4 69:21 94:23 101:23 120:16,22 121:1 139:16,18 braces (1) 139:13 break (8) 6:20 32:6,12,15 79:16 100:1 102:23 107:17 bring (1) 7:9 broke (1) 69:13 broken (1) 68:22 Brooklyn (9) 2:4 4:9 113:23 114:5 117:23,24 118:5,8 118:18 brought (2) 116:17 148:20 brownish (1) 41:3 brownstone (1) 110:14 Bruce (1) 83:16 building (8) 32:22,24,25 33:5,8 33:20,23,23 bum-rushed (1) 46:21 bunch (2) 43:10 59:18 busted (1)	123:23 buzz (2) 33:12,16 buzzes (1) 33:13 <hr/> C <hr/> C (3) 2:1 156:1,1 call (18) 21:23 23:13 37:22 38:4 41:7 46:5 65:1 66:17 73:2 83:1,6 83:12 85:4,5,10 92:23 110:2 154:16 called (20) 4:1 16:22 26:9,12 27:10 39:14 57:1,4 57:5,8,9,21,25 63:23 66:19 76:11 77:9,9 84:12 105:9 calling (4) 83:9 85:12 135:10,13 calls (2) 63:2 98:23 Camille (21) 15:1,10,12,17 21:6 21:16,20 22:19 25:5,16,21,25 27:13 27:20 53:9 57:17 57:21,25 58:4 76:6 78:23 caption (1) 30:21 car (17) 61:2 90:7,8,16 91:10 95:13 114:1,6 115:18 117:1,6,14 121:22 123:22,24 133:2 139:23 care (4) 99:22 100:2 119:15 125:6 careful (1) 122:16 Carolina (1) 10:5	carpenter (5) 11:14,17,20 12:6,24 carpentry (1) 11:16 carried (1) 123:3 carries (1) 5:21 CARTER (1) 2:7 case (20) 1:5 30:22 53:20 54:19 73:18,18 74:3 115:3,3 117:20 131:2,3 133:20 137:21 138:1,8,13 145:4,8 148:5 cases (1) 53:21 Cat (8) 68:5 69:14 94:16,23 95:1 96:9 103:7 112:5 caused (2) 20:7 67:20 cell (4) 61:9 62:4,16,20 certify (2) 156:7,11 chair (1) 27:7 change (1) 121:24 changed (2) 10:22 125:3 charge (5) 74:13,15,16 136:3 147:9 charged (14) 72:19,21,24 75:15,16 76:20,21 146:14 147:1 148:6 152:21 153:6,10,15 charges (14) 73:6 74:5,8 134:24 136:14 146:3,8
---	---	--	--

152:15,19,24 153:1 153:3,8,12 cheap (1) 59:18 check (1) 63:8 checked (4) 58:22 64:8 67:2 71:12 chest (5) 61:21,23,24,25 67:12 child (12) 21:24 37:23,24 43:14 46:6,7 76:14,17,18 76:20 129:7 135:17 children (7) 8:25 9:5,8,13 10:3 129:6,6 chiropractic (3) 93:2 105:10,13 chiropractor (33) 88:10,11,18,20,24 89:5,7,9,12,17,23 89:24 90:2,5,10,20 91:7,12,14 92:6,9 93:3,7,9,14,16,20 95:7 100:7 110:1,4 125:2,8 chirping (1) 43:7 choked (1) 59:20 choking (4) 38:16 42:10,11 59:22 chores (2) 141:16,18 Church (2) 1:19 2:11 City (6) 1:7,19 2:8,9 4:14 133:19 civil (2) 1:18 117:13 claim (11) 2:13 115:14,21 116:12,18,22,24 130:7,8 133:19	155:15 Clark (3) 1:7 2:9 4:14 clean (1) 141:21 clear (1) 75:21 clearance (1) 75:10 clearing (1) 42:24 clearly (1) 138:3 Close (2) 17:20 36:14 closed (3) 52:23 56:6,8 closer (1) 20:2 cold (3) 62:21 87:2,2 collar (3) 70:20 120:4 139:11 college (3) 9:21,23,24 come (20) 18:12 35:21,22 38:11 39:10 40:15 43:4 46:16 47:8 51:15 62:15 66:10 71:25 78:10 80:6 91:6 97:9 99:19 104:13 130:23 comes (1) 95:10 comfortable (1) 5:3 coming (6) 38:12 44:12 47:6 59:19 83:2 97:8 Community (2) 105:9,13 compare (1) 121:22 complain (5) 50:7,9 55:3,6,12 complaint (11)	31:11,20,21,22 32:4 35:17,20 38:4 74:10 129:20 138:22 complaints (3) 66:8 92:17 139:2 concluded (1) 154:18 condition (3) 71:21 113:6 121:17 conditions (1) 112:24 conference (1) 32:10 confused (3) 24:24 36:24 37:3 connection (19) 7:10 12:14 91:9 96:2 97:20 103:21 107:1 113:10,18 121:4 133:2 136:2 143:9 144:2,24 145:25 147:25 148:3 153:23 consequences (1) 45:6 constant (2) 92:22,23 constantly (1) 5:3 construct (1) 12:12 construction (1) 12:19 consultation (2) 148:17 149:14 consumed (2) 5:12 18:6 contact (3) 44:14 45:9,25 contacted (1) 45:25 container (1) 153:5 context (2) 76:16,17 continue (1)	140:3 contract (1) 12:22 conversation (2) 22:2 28:1 conversations (2) 75:19,20 convicted (1) 136:14 conviction (10) 53:15,17,20 54:11 134:15 144:5,14 148:1 151:4 152:12 convictions (4) 54:2,14 131:16,24 cook (1) 141:21 cop (6) 28:22 30:11 62:8,15 136:22,23 cops (8) 28:19,21 38:17 50:14 52:16 101:1 123:5 126:24 copy (1) 74:20 CORPORATION ... 2:7 correct (16) 34:1 35:10 41:4,5 54:18 80:5 93:7 99:4 108:4 142:14 148:18 150:6,10,11 150:16 152:9 correction (1) 150:14 cost (1) 121:13 counsel (2) 2:7 32:8 counseling (1) 125:25 counselor (1) 124:14 County (2) 63:22 156:4 couple (15)
--	---	---	---

5:24 34:24 48:21 49:3 87:19,24 97:23 109:5 111:4 119:13 120:1 121:7 121:9 130:12,18 court (14) 1:1 3:12 5:22 6:8,13 73:17 75:11 77:4,5 77:6,7 116:7 133:11 150:15 courteous (1) 150:19 covered (2) 116:8 122:21 covering (2) 50:14 52:17 cracked (2) 36:17 104:7 crazy (1) 43:11 crimes (1) 72:24 criminal (3) 73:18 131:3 145:8 Cross (1) 119:18 cry (1) 60:4 CT (1) 101:24 current (2) 8:10 121:16 currently (3) 5:10 10:6 124:7 curse (3) 40:5 42:7,8 custody (17) 85:6 113:12 136:5 137:8,15 142:14 143:6,8,10,25 144:3 145:12,15,23 146:1 153:24 154:2 cuts (2) 132:5,16 C-A-M-E-I-L (1) 15:3	D D (1) 155:1 DA (1) 77:23 dark (2) 30:17,25 date (9) 1:12 7:12 13:18,21 75:11 77:6,7 105:14 134:19 dates (2) 95:12 142:17 dating (1) 8:23 daughter (16) 8:16 14:19,23 17:1,4 18:4 22:17 23:1 24:15 43:7 52:15 52:19 58:23 77:25 99:21 100:3 daughter's (5) 13:22 25:13 42:25 63:10 129:13 David (4) 2:2,5 130:13,15 day (28) 14:6,17 15:22 16:23 16:24 17:2 71:3,4,5 72:4,5,5 82:25 88:4 94:13 99:25 100:1 121:20,20 127:16 136:6 137:7 141:23 143:14,19 146:1 154:22 156:16 days (22) 49:3 72:9,10 79:22 81:19 82:1,5,7,22 87:19 99:12 120:7 127:19 140:16,17 140:17 142:5,5,14 142:15 144:10,18 day-to-day (1) 95:10 Dean (2) 91:6,6 debilitating (2)	35:5,6 decent (1) 42:25 decide (3) 92:4 124:22 125:10 decided (4) 82:19 92:5 107:7 124:25 deductible (2) 121:8,10 deep (1) 101:12 Defendant (1) 1:17 Defendants (2) 1:9 2:8 degenerative (2) 70:15 71:20 delve (1) 116:2 demeanor (2) 24:21 36:23 department (3) 1:19 2:8 129:21 depend (1) 22:12 Depending (1) 88:5 depends (5) 22:11 105:4,5 116:15 137:22 deposed (2) 133:13,15 deposition (7) 1:16 3:10 6:24 7:7 32:9 115:5 150:23 describe (9) 20:15,16 28:17 30:15 30:24 41:1 47:19 117:3 121:16 desk (1) 61:22 determination (1) 125:3 diagnose (1) 70:11 diagnosed (1)	112:24 difference (1) 77:3 different (4) 69:25 100:6 103:12 108:14 difficult (1) 6:13 direct (1) 13:15 directed (1) 150:15 directing (1) 74:25 disclosed (1) 151:1 discuss (1) 149:6 discussion (6) 54:5 132:1 138:18 142:7 148:10 152:3 disease (1) 71:21 diseases (1) 70:15 dismissed (3) 77:10,16,19 District (3) 1:1,1 73:25 doctor (36) 13:24 14:19 17:1,4 17:10 64:22 65:12 67:16 68:23 70:8 71:7,11,13 79:21 80:2,4 81:12 82:20 86:7 90:21,24 92:25 99:7 102:12 102:17,19,20,21 103:23 111:20 114:4,12 118:19 125:1 129:10,12 doctors (10) 68:11 70:11 82:20 91:9 103:16 113:8 113:13,17 114:8 128:19 doctor's (7)
--	---	---	---

17:14,15 82:16 104:21,24 108:15 111:13 documents (3) 7:6 155:8,9 doing (18) 6:10 12:3 14:17 18:1 21:18 28:25 41:10 47:20 48:16 51:5 52:25 98:8 101:9 105:21 108:21,24 133:16 146:21 dollars (2) 119:13 121:9 Donald (3) 1:20 156:6,19 door (45) 18:13,13,18,19,22 19:19 20:2,9,13 21:17 22:3,6,10 26:18,22 27:20,25 28:5,9,11,12,14 29:4,21 30:8 31:14 31:15,25 32:1 33:1 33:7 35:10 36:2,16 36:16,18 39:12 45:24 47:11 52:10 52:23 73:7 78:9,20 122:1 doors (3) 32:23 33:1 68:9 doorway (3) 31:13,17 45:21 Dr (62) 71:14 79:24 81:13 82:23 85:20 88:6 88:12,15 90:3 95:24 96:6,16,21 97:1,24 98:15,19,24 99:3,6,9,10,11 100:12 101:14,23 102:11,14 103:16 103:16,18,24 105:4 105:6 106:24 107:7 107:8,9,11,13 108:5 109:12,13 110:5,9 110:23 111:1,3	112:12,13 113:12 113:13,19,19 114:3 114:4,4,12 125:8,18 128:19,20 dressed (3) 37:7,9 53:4 drinking (1) 124:23 drive (1) 91:3 driver (1) 117:14 driving (6) 56:13 117:6 146:9 152:19 153:7,10 drugs (2) 18:6 97:14 Dr.James (1) 99:18 dude (1) 40:8 duly (3) 4:2 16:1 156:9 duration (1) 51:8 <hr/> E <hr/> E (5) 2:1,1 155:1 156:1,1 earlier (6) 30:1 33:25 37:14 108:3 120:3 148:16 early (3) 77:9,10 92:15 easier (1) 44:9 Eastern (2) 1:1 2:4 eat (1) 17:18 effect (1) 3:12 effective (3) 94:12 98:3 125:14 Eight (2) 104:20,21 Eighteen (1)	144:18 either (1) 82:25 elaborate (1) 12:10 Electric (1) 108:9 electrical (2) 96:17 101:12 Elijah (1) 9:11 Elliott (2) 71:14 79:24 embarrassed (1) 123:2 emergency (9) 18:21,24 19:4 83:11 84:2,21 85:2 86:7 128:17 emotional (1) 126:1 emphasizing (1) 139:8 employed (1) 10:6 EMS (30) 19:3,4 20:11,15 21:11,18 22:16,25 23:9 24:4,7 25:11 26:10,20 27:2 29:5 29:20,23 33:19 36:3,14,15 37:6,13 41:10 50:21 51:2 52:18 58:7 66:4 encountered (2) 24:3,6 ended (6) 53:15,20 54:2,10 103:1 144:6 engaged (1) 8:21 entail (1) 108:7 enter (4) 32:21 38:21 73:8,12 entire (7) 11:9 49:21 106:18	114:9 115:4 127:25 139:15 epsom (1) 87:23 equipment (1) 27:4 ESQ (3) 2:5,7,12 essentially (1) 36:20 estimate (4) 32:19 54:17 98:13 121:13 everybody (2) 45:15 52:16 evicted (1) 79:9 exactly (11) 22:1 25:13 37:25 38:2 47:19 49:6 51:18 68:14 71:10 75:15 111:18 examination (9) 4:4 148:14 149:18 151:5 152:6 154:17 155:3 156:8,9 examined (2) 4:3 66:24 examples (1) 141:20 exercises (3) 96:19 108:13,14 expected (1) 41:20 expenses (2) 121:10 122:20 explain (2) 43:3 123:1 explained (3) 76:24,24 77:3 extended (1) 144:10 extent (4) 53:19 122:8 150:24 151:2 ex-wife (3) 90:14 135:10,18
---	--	---	---

eye (2) 60:14,17	felt (12) 59:19 64:11 92:3 94:13 95:11 98:7 98:10 112:16,17 121:22 123:5 126:14	fingerprinted (6) 64:21,24 65:4,8,17 66:19	39:3 42:4,13 47:24 47:24 50:4 51:1 55:19 58:9,12,13,14 58:16 60:6 141:21
F		finish (5) 6:16 9:22 10:2 140:12 144:5	floors (2) 12:12 33:3
F (1) 156:1	fiancee (7) 8:16 37:7 63:6,15,23 79:14 119:24	finished (3) 87:1 93:3 148:13	follow (1) 71:8
face (8) 36:21 47:23 58:17,18 60:24 67:12 132:5 132:16	fiancee's (1) 8:17	firm (1) 130:25	following (2) 101:14 108:5
Facebook (2) 133:25 134:1	Fifteen (1) 68:7	first (61) 4:2 13:23 17:5 24:1,3 24:6 26:22 30:10 30:11 34:5,6 41:8 42:12,12,19,20 44:12 46:14,15 55:18 59:21 61:18 72:7,23 73:20 77:5 77:11 80:6 83:11 83:17 84:8 85:3 88:13,14,15,20 89:7 89:9,22 93:1,13 95:8,16 99:10 100:16 104:8 109:11,17 130:21 131:19,20 132:11 132:18 139:22 142:20 143:5,9,11 144:2 145:10 149:20	follows (1) 4:3
facilities (2) 12:25 13:1	fifth (1) 145:20		followups (1) 149:17
facility (3) 10:10 11:10 12:24	fight (1) 124:11		force (1) 3:11
fact (1) 43:22	fighting (3) 41:15 46:24 47:7		forehead (4) 59:8 60:14,23 107:21
family (8) 49:16 83:11 84:2,14 84:21 85:1 126:24 128:17	figure (1) 121:15		foreman (1) 11:21
far (9) 4:24 29:7,20 30:7 36:11,19 69:19 114:10 152:13	figured (5) 20:23 21:3 26:6 43:8 46:8		forgot (4) 72:15 110:5 115:24 119:23
February (1) 1:12	file (4) 2:12 117:13 129:20 130:7		form (20) 3:7 16:25 24:23 28:6 34:22 35:4 38:24 40:21 42:18 44:16 47:15,21 85:18 118:15 121:18 122:7 123:18 134:23 135:8 138:25
Federal (1) 1:18	filed (1) 39:6	fishing (1) 138:5	forth (1) 156:9
fee (1) 121:8	filing (1) 3:4	five (24) 8:24 26:23,24 78:24 78:25 79:1 88:22 103:20 134:8 142:16,21 143:5 145:23 146:13,14 146:18,25 147:3,12 147:17,25 152:11 152:14 153:19	found (4) 57:19,24 74:5,7
feel (11) 61:24 82:10 92:1 95:8 103:25 104:16 112:8 120:10 123:2 125:13 126:11	fill (4) 66:1 70:7,9 86:13		four (24) 5:7,8 28:16,21 29:4 33:4 35:9 36:2 39:5 41:8 52:4 80:3 88:16,17 93:23,24 96:5 102:8,12,14 126:7 128:7,12 147:19
feeling (18) 4:18,23,24 34:6,8 60:18,20,22 81:14 93:10,13 98:18 100:18 107:3,10 112:9 121:21 126:13	finally (3) 39:16 55:16,16	fix (1) 12:12	fourth (1) 145:18
feet (6) 29:12,14,15,16,17 36:13	find (10) 20:7 21:15 57:1,3 90:23 110:19 114:11 126:21 129:24 139:25	flat (2) 58:17 59:23	frame (1)
	finding (1) 57:20	floor (19) 1:20 24:1,2 38:18	
	fine (1) 116:6		
	fingerprint (8) 64:19 65:1,2,6 66:14 66:16,16,18		

114:23 frequency (1) 122:16 Friday (1) 10:17 friend (2) 20:24 96:3 friends (2) 21:3,4 front (8) 19:23 29:20 33:7 40:3 50:22,23 52:5 52:6 Fueller (1) 81:6 full (2) 4:16 75:10 fully (3) 31:15 77:16 150:19 full-time (2) 10:13,14 further (7) 3:6,9 149:16 150:23 152:1 154:12 156:11 F'n (1) 40:8	11:24 70:5 74:20 156:10 gives (2) 4:21 96:19 giving (3) 82:16 96:12 102:3 go (73) 5:24 9:21,23 10:4 19:15 42:13 44:3,5 51:2 52:14 61:11 61:13 63:8,19 64:5 65:12 66:16 68:25 73:13,17 74:2 79:17,21,23 81:17 82:3 86:6,6 88:6,10 89:15,17 90:1,5 91:14 92:9 93:14 96:6,11,13,14,21 99:1 102:18,25 104:14 107:10,11 107:13,14 110:24 116:13,23 118:8 121:8 124:22,25 125:1,4 126:3 131:1,4,25 132:7 135:24 138:17 143:3 145:14 148:9 148:20,23 149:2,10 goes (2) 7:19 126:25 going (23) 19:19 20:2 42:22 46:19 60:2 74:24 82:20 86:10 100:6 101:9 103:1 114:1 116:13 123:22 124:18,20 125:16 126:16,19,21 132:4 138:11 145:10 good (22) 4:11,12,19,24 5:1 25:17 32:2 34:18 35:25 37:20 46:4 46:17,20 47:17 79:7 82:10 92:16 98:8 100:10 107:4 121:19 125:8	Goodnight (1) 31:10 Googled (1) 110:20 gotten (1) 140:4 grabbed (5) 38:15 41:18 47:16,23 47:25 grabbing (1) 39:2 great (2) 68:12 111:22 ground (1) 5:24 grounds (1) 43:20 guess (12) 56:5 72:4 83:23,24 90:4 92:23 96:5 132:18 137:22 143:15,17 153:19 guessing (1) 143:16 guilty (2) 73:11 145:7 guy (1) 28:24	handcuffed (7) 50:2,17 53:11,22 54:8,19 72:7 handcuffs (16) 40:3 48:8,15 50:7,9 50:12 55:4,11,13,20 55:25 56:9,21,23 60:19 64:2 hands (4) 45:16,19 59:24,25 happen (4) 42:14 47:9 61:10 154:8 happened (56) 17:17 19:11 23:12,13 23:16 24:10 25:11 25:14 26:5 28:4,11 28:14 31:19 35:19 37:19,21 38:3,10 40:9 41:20 48:25 49:7,8,12,25 50:2 50:17 61:8 63:16 66:20 68:2 72:16 73:22 77:4,7,15 85:20 90:11 99:18 100:17,21 101:6 104:5 110:21 118:14,17 123:16 124:14 129:8 130:10 134:21 135:3 136:7,13 154:6,10 hard (4) 6:7 86:2 102:3 120:2 head (3) 6:12 36:20 107:24 headache (1) 67:13 healed (2) 94:14 98:8 health (2) 122:21 127:4 hear (12) 19:10,14 22:6,9,13 33:14,16 43:13 53:6 60:15 64:10 106:1
<hr/> G			
general (6) 75:6 76:10 80:5,15 81:9 139:6 generally (1) 130:20 Germila (3) 1:20 156:6,19 getting (4) 45:22 61:25 123:21 150:14 give (17) 6:11 35:25 36:22 37:20 41:16,22 44:1 46:17,20 69:20,23,25 75:11 97:11 126:15 132:16 141:20 given (4)			
	<hr/> H		
	H (1) 4:1 hair (3) 30:17 41:3,3 half (10) 5:7,8 15:14,15 54:21 54:23 77:13 79:17 136:6 137:7 hall (2) 29:19 36:12 hallway (5) 19:8,10,25 20:6 47:11 hand (1) 156:15 handcuff (1) 50:5		

heard (8) 19:8,25 20:4 28:24 51:17 72:23 73:1 113:2	108:15	hurts (1) 122:17	77:18
hook (1) 96:17	hook (1) 96:17		inside (15) 20:6 21:18 24:4,7,25 25:3 27:9 29:25 31:14 47:10,11 51:2 52:8,12 58:7
hoping (1) 53:4	hoping (1) 53:4	I	
hearing (1) 6:7	hospital (59) 61:12,14 63:19,21 64:4,5,12 66:10,22 67:16 68:1,6 69:1,6 69:8 70:6,11 71:7 71:15 72:5 82:13 89:4,11,18,23 92:7 93:17 94:20,22 95:8 103:7,8 110:6 113:12,23 114:5,5 117:23,24 118:6,8 118:16,18 124:17 124:19 125:1,2,4,7 125:10,24 126:3 127:9 129:11 132:15 138:23 148:17,20 149:20	Ibuprofen (1) 86:12	Instagram (1) 134:10
heartbroken (1) 58:3		impeding (1) 124:10	instance (2) 125:1 153:2
heat (2) 96:18 108:10		improper (5) 43:21 115:23 116:2,9 123:11	insurance (9) 96:12,14,15 102:2,10 103:13 119:15,17 122:21
Heating (1) 121:12		incarcerated (2) 143:21 144:3	integral (1) 115:3
heavysset (2) 20:16 41:2		incident (9) 34:4,12,13,14 35:2 119:8,9 132:4 141:23	intense (1) 121:23
height (1) 7:14		Including (1) 103:22	interacted (1) 123:7
held (7) 1:18 54:6 132:2 138:19 142:8 148:11 152:4		incurred (1) 121:10	interacting (1) 18:4
help (7) 96:8 101:8,9 109:21 112:2 125:5 139:18		indicating (4) 50:20 59:12 60:14 105:21	interaction (1) 124:1
helpful (1) 139:25	hour (5) 54:21,23,25 79:18 127:12	informal (1) 5:20	interested (1) 156:13
helping (3) 86:21 126:22,23	hours (8) 5:5,8,13 18:7 65:23 68:7,8 72:8	information (3) 151:3 155:8,9	Interfaith (5) 66:21,23 68:1,25 132:15
helpless (1) 64:11	house (9) 40:16 49:10 58:11,24 79:9 81:23 82:25 97:19 141:16	injections (8) 109:23 111:9,11,14 111:24,25 112:11 112:14	intoxicating (1) 18:7
hereinbefore (1) 156:8		injured (4) 84:24 85:16 120:13 139:22	invades (1) 114:25
hereunto (1) 156:15	huddled (1) 21:20	injuries (19) 67:20 90:15,17 91:10 107:24 109:8 113:10 114:20,20 115:7 117:8,11 118:9 121:11,19 122:23 137:4 138:24 148:4	investigate (2) 19:18 43:15
high (1) 10:4	Huh (2) 56:19 74:14		investigation (1) 129:8
history (1) 115:4	human (1) 55:9	injury (6) 70:18 113:18 115:11 115:15 118:6 121:5	involved (1) 41:7
hit (4) 90:12 116:18 117:1,4	hundred (3) 121:7,9 151:20	innocent (1)	Island (2) 143:22 144:17
hold (3) 45:23 118:3 143:24	hurt (1) 140:6		issue (2) 42:24,24
holding (3) 47:25 62:4,16	hurting (11) 55:22 56:11,21,24 67:15 92:22 95:12 96:20 97:10 105:18 139:9		Italian (2) 28:24 29:1
home (13) 14:19 17:18,19,21 18:1 57:4,5 64:8,9 73:14 74:2 79:20			J

jail (7) 44:3,5 49:3 83:23,25 144:4,9 James (41) 88:12,15 90:3 95:24 96:6,16,21 97:1,24 98:15,19 99:3,6,9 99:11 100:12 101:14,23 102:11 103:2,16,24 107:8 107:13 108:5 109:12,13 110:5,9 110:23 111:1,3 112:12 113:13,19 114:3,4,12 125:8,18 128:19 January (23) 7:18 13:9 14:2 15:21 16:18,24 34:14,15 34:19 35:3 67:21 96:23 97:22 122:11 129:8 130:11 131:6 131:14 132:4 138:21 141:7 149:11 152:8 job (5) 11:12,17 12:15,20,23 jobs (6) 11:22,24 12:1,21,22 13:13 JOHN/JANE (2) 1:8 2:10 Jones (1) 80:14 Josiah (1) 9:11 judge (7) 72:1,8,12 136:12 137:2 151:2 154:16 jumped (2) 38:13,14 jury (2) 136:9,25 justice (4) 72:22 73:6,7 77:21 <hr/> K	Kavin (2) 2:12 4:13 keep (8) 6:6 96:20 97:8,9 112:8 122:19 125:16 150:23 kept (3) 50:19 51:9 104:7 keys (1) 62:25 kick (1) 59:5 kicked (4) 38:19 47:22 59:2,8 kicking (1) 47:1 kids (4) 23:23 135:13 137:15 141:9 kind (23) 11:19 12:17 19:14 20:17 21:10 25:8 31:22 56:3 69:23 70:2 80:4 81:20 86:11 90:15 94:3 105:20 106:5 108:17 110:25 111:25 119:17 136:11 141:18 King (1) 62:11 Kings (2) 63:22 156:4 kitchen (1) 26:1 knee (2) 50:3,19 knew (3) 44:12 47:17 57:22 knock (3) 18:19 22:6,10 knocked (9) 18:12 20:12 26:18,22 27:21,25 28:5,9,11 knocking (1) 18:22 know (148)	5:18,21 6:1,21 14:6,8 15:23 16:3,9,18 18:24 19:12,13 20:18 21:12 23:17 25:19,22 26:3,6 27:24 28:23 29:1 30:12,18 33:5,19,22 35:8 37:18 38:16 38:18,19 39:21 40:1,10 41:4 43:10 43:12 44:8 45:1,6 47:25 48:1,7 49:7 49:11 51:1,7,8,16 53:10 54:20 55:1 56:2,14 57:14,15,22 59:18 60:3,6 63:16 63:23,24 64:1 66:3 68:19,23 69:15,19 69:24 73:11,11 75:8,14,14 77:17 80:12 81:17,18,22 84:22,23,25 85:17 86:20 87:20 90:25 91:1,2 93:15,16,19 94:18 95:5,12,23 96:7 97:7,9 98:14 100:25 102:17 105:14 106:20 107:15 110:10 111:4,12,22 112:1,8 115:20 122:1,22 124:21 126:24 129:3,7,23,25 130:8 133:15 134:4,16 137:16 139:10 142:22,25 145:16 146:4,7,8,12,22,22 146:23,25 147:9,12 147:21 149:24 150:10 151:15,19 153:20 154:16 knowing (2) 52:24 85:12 knowledge (5) 70:12,13 78:5 133:1 134:17 known (4)	7:20 8:7 49:19 78:23 knows (1) 45:15 <hr/> L <hr/> L (2) 3:1 4:1 lady (4) 72:15 113:20 114:4 131:2 Larry (9) 1:2,16 2:3 4:7,17 7:21 8:8,9 154:20 lasted (1) 39:15 law (5) 1:19 2:2,8 53:18 130:25 lawsuit (5) 7:10 13:16 117:13,19 133:9 lawsuits (2) 132:21 133:7 lawyer (5) 74:9 75:7 76:24 131:1,2 laying (6) 23:2 58:13,14,16 59:23 108:20 leave (7) 17:22 23:17 71:15 81:7 99:13 125:10 138:14 left (12) 19:21,23 24:12,13,19 25:11 26:21 32:9 60:17 65:18 71:15 105:23 legal (1) 43:9 legs (1) 47:1 letter (2) 148:22 149:24 letting (3) 42:14,23 65:2 let's (9)
---	---	---	---

79:16,17 107:16 131:18,25 138:17 142:16 143:3,5 level (1) 141:22 license (3) 146:10 152:20 153:7 life (5) 106:18 115:4 121:24 139:15 149:7 lifetime (1) 112:23 lifting (2) 12:14,17 liked (1) 110:25 likes (1) 104:13 Lincoln (4) 4:9 8:11,11 14:15 line (2) 116:14 155:14 lines (1) 57:15 LinkedIn (1) 134:12 listen (2) 60:7 116:16 listening (3) 50:8 66:15 67:18 little (12) 27:7 30:17 37:8 58:18 92:3 107:3 123:2,5,17,21 124:23 130:4 live (4) 15:17 79:10,12 126:20 lived (1) 8:13 lives (2) 8:15 80:11 living (6) 8:3 14:22 15:12 58:8 79:4,8 location (3) 20:4 125:18,20	locations (1) 125:19 location-wise (1) 125:17 long (72) 8:4,13,21,23 9:25 11:6 12:1 15:12 32:17,18,19 34:17 39:12,13,14 45:24 46:3 49:19 51:7,12 51:21 52:21 54:16 54:19 55:1 58:21 60:2 64:1 68:6 70:3 70:24 71:1 72:6 77:11 78:23 80:2 80:24 84:7 86:15 87:12,16 91:7 92:24 93:12,19 94:10 98:12,13,15 99:9 104:24 110:13 110:15 112:18 120:6 122:18 124:1 134:6,7 135:25 136:5 140:23 143:5 143:6,11,24 144:16 145:11,15,21,22 153:24 longer (4) 39:22,24,25 146:1 longest (1) 66:13 look (6) 24:14 68:4 122:16,17 122:17,19 looked (3) 42:19 66:4,7 looking (6) 29:2 36:16 50:19 58:17,18 122:19 loosen (1) 56:23 loosened (1) 56:1 lot (10) 61:11 67:8 69:13 70:13 85:24 120:9 120:9 123:5 139:3	139:10 lower (10) 90:17 92:19 93:10,13 98:10 105:19 113:18 114:21 139:6 151:22 lucky (1) 68:22 lunch (4) 79:16 100:1 107:16 107:17 Luther (1) 62:10 <hr/> M <hr/> M (1) 4:1 mad (1) 43:6 maintain (1) 12:8 maintaining (1) 12:21 Maintenance (1) 11:16 making (1) 30:7 man (2) 28:18,18 Manhattan (1) 13:1 March (1) 156:16 mark (6) 43:23 116:4,5 137:24 138:9,14 MARKED (1) 155:13 marriage (1) 156:12 Martin (1) 62:10 massage (1) 108:10 massages (3) 96:18 101:12,13 matter (2)	46:2 156:14 mean (25) 11:15 12:10 18:24 21:16 25:7,9 32:23 35:6 37:10,17 39:1 42:2 47:4 51:8 59:11 74:7 81:21 82:23 88:9 118:15 128:11 133:15 135:4 139:4 145:4 means (1) 131:7 media (2) 133:22,24 medical (30) 18:21,25 19:5 62:6 62:18 65:3,8,20 66:8,12,15 67:5 91:4 113:8,17 115:1,4 118:24 119:2,5,10,12,14,21 121:4,16 122:20 150:24,25 155:10 medication (2) 68:3 86:16 medications (5) 5:10 18:10 91:18 121:5 126:15 medicine (5) 86:19 87:2,5,6 91:22 medicines (1) 86:25 meet (1) 151:13 memory (1) 97:8 menacing (5) 134:25 135:1,7 136:3 145:5 mental (3) 124:21 127:4,8 mentally (1) 25:10 mention (3) 76:14 78:10 100:2 mentioned (16) 8:25 33:25 35:9 36:1
---	--	---	---

76:15,16 78:11,13 95:24 107:20 108:3 113:20 117:22 120:3 142:10,13 met (4) 63:20 90:3 96:25 149:4 middle (1) 64:6 migraine (1) 67:13 military (1) 81:12 mind (1) 143:3 mindful (1) 121:25 minute (3) 39:22,23,24 minutes (12) 26:23,24 39:25 51:22 51:24 52:2,22 94:11 105:1,2,3 124:3 Miranda (1) 48:10 missed (2) 128:1,4 mistake (2) 23:14 30:7 mistaken (2) 41:3 83:24 Monday (1) 10:17 Mondays (2) 10:23 11:2 money (1) 121:3 Montefusco (7) 1:8 2:10 4:15 38:15 40:13 56:15,17 month (13) 71:2,5 73:21 77:13 82:2 88:1 98:17 106:25 112:19 120:18 123:15 128:11 142:2	months (12) 86:17 91:8 92:1 93:23,24 97:3 111:19 112:20 120:1 126:7 141:9 141:11 morning (11) 4:11,12,18,22 14:11 34:1,11 64:25 65:22,24 99:25 mother (10) 14:20,23 18:5 23:2 25:13 42:25 63:10 78:7,13 129:13 mother's (2) 14:23,25 move (2) 15:20,22 moved (5) 16:4,18 58:4 62:20 151:21 Moves (1) 104:7 moving (3) 16:7,11 47:13 MRI (13) 94:17,18 95:2,3 96:11,13 101:23 102:1,4,9,12 105:17 112:5 MRIs (3) 94:23 96:9 103:6 Mugshot (1) 64:18 multiple (1) 125:19 mumble (1) 106:1 <hr/> N (4) 2:1 3:1 4:1 155:1 Nalah (2) 9:2,18 name (27) 4:6,13,16 7:23 8:17 14:25 15:8 28:24	29:1 30:12 63:11 68:23 72:15 77:21 79:25 80:12 81:11 83:17 89:14 90:21 90:23 93:16 110:4 110:5,10 114:11 151:15 nameplate (1) 29:2 names (5) 7:20 8:7 20:18 28:23 41:4 narrowing (1) 113:6 nature (3) 12:13 96:19 101:13 navy (3) 80:23,24 114:5 Naya (1) 9:11 near (1) 135:24 necessarily (4) 37:1 79:11 102:23 107:13 necessary (1) 30:23 neck (25) 4:22 48:1 59:6,24 60:1,23 67:12,22 68:4,17 69:11,17,21 86:1 95:21 105:19 106:3 112:25 113:10 115:7 120:16 122:18 139:6,12,15 need (11) 33:8,9 35:20,22 62:6 66:13 75:10 79:13 80:11 84:5 129:10 needed (10) 67:4 87:14,17,21,23 102:19 103:4 109:1 109:2 141:19 needles (1) 110:3 negotiate (1)	138:10 neighbor (13) 26:12 36:6,7 38:17 39:16 43:6 48:16 48:17 55:16 80:9 80:10,11 123:3 neighborhood (1) 8:3 neighbors (6) 8:6 37:23 38:18 49:16,21 58:22 neighbor's (2) 29:8 77:25 nervous (4) 123:5,6,17,21 never (23) 7:19 24:18 34:15 41:20 42:24 44:17 45:16,19 47:2 48:5 48:12 65:7 71:22 71:23 76:21 84:19 86:20,22 103:1 113:7 129:18 130:22 148:8 new (22) 1:1,7,19,20,20,21 2:4 2:8,9,11,11 4:3,9,14 9:24 10:12,12 53:17 125:5 133:19 156:3,7 newborn (1) 43:7 nice (1) 72:15 nickname (1) 8:2 night (11) 4:25 5:6 14:11,12 15:13 16:4 18:16 32:2 33:17 64:6 66:13 nights (1) 109:5 Nine (1) 54:18 nod (1) 6:12
--	---	---	--

noise (9) 19:8,10,14,15,18,25 20:4,7 43:8 normal (1) 26:7 normally (1) 22:9 North (1) 10:5 Notary (4) 1:21 4:2 154:24 156:6 note (5) 82:16,17 106:21 117:17 154:14 noted (1) 16:1 notes (1) 82:21 Notice (3) 1:17 130:7,8 number (1) 105:8 N-A-L-A-H (1) 9:20	137:20 138:25 146:6 151:25 154:15 objections (1) 3:6 obstructing (3) 72:22 73:6,7 offered (3) 73:23,24 74:4 office (5) 2:2 104:21,22,24 108:15 officer (13) 1:7,8 2:9,10 3:10 4:14,15 31:8,19 40:22 45:15,20 61:15 officers (45) 1:8 2:10 26:18,22 28:5,9,16 29:4 31:1 31:10 32:3 33:22 35:10,16 36:2,22 38:21 39:7 40:5,25 41:6 42:15 44:1,15 44:18,20,22 45:10 45:17,25 47:20 48:2 50:18 52:1,4 52:18 58:7 59:2,20 61:4 65:5 67:17 123:7 124:2 138:23 offices (1) 1:18 off-the-record (6) 54:5 132:1 138:18 142:7 148:10 152:3 oh (1) 100:23 ointment (1) 132:18 Ointments (1) 121:12 OJ (1) 80:14 okay (25) 4:25,25 5:24 6:2,5,8 6:19,22 13:17 19:12 37:21 44:11	46:7 60:16 75:10 77:2 94:24 111:4 118:23 138:5,16 143:4 147:11 151:22 154:12 old (6) 9:3,10 17:7,8 78:1 126:19 once (18) 47:6,16 54:14 65:10 83:24 87:25 88:4 91:15,16 93:21 110:24 111:4 118:10,12 134:17 147:24 149:2,3 ones (1) 23:23 One-and-a-half (1) 142:15 ongoing (1) 121:23 open (11) 20:9 31:15 33:7 36:18 45:23,24 52:10,23 122:1 150:24 153:5 opened (10) 27:20 28:14 29:3 31:14,25 32:1 35:10 36:2 47:11 73:7 opening (1) 115:4 operations (3) 106:10,13,19 opinion (2) 43:17 126:23 opportunity (1) 150:9 order (11) 135:11,13,15,20 137:11,18 138:6 143:3 153:13,16 155:16 orders (1) 137:25 original (2)	85:9,10 Orthelio (1) 80:14 outcome (1) 156:13 outside (5) 22:3 23:10 35:10 41:11 47:9 outstanding (3) 119:5,10,21 Overall (1) 121:19 over-the-counter (5) 87:5,6 91:22,23 97:14
O			
O (3) 3:1 4:1,1 oath (3) 3:11 5:18 44:24 object (2) 43:19 115:22 objection (41) 15:24 16:25 24:23 28:6 30:14 34:22 35:4 38:24 40:21 41:13 42:18 43:16 44:7,16 45:3,12 47:15,21 48:9 53:14 54:1,9 85:18 98:11 106:21 114:22 117:17 118:15 119:7 121:18 122:7 123:18 132:22 134:23 135:4,8			P P (4) 2:1,1 3:1 4:1 packing (2) 16:13,14 pads (1) 121:12 PAGE (3) 155:3,9,14 Pagiel (3) 1:7 2:9 4:14 paid (11) 119:6 127:11,11,25 128:3,5,9,9,11,12 128:13 pain (46) 35:8,8 60:18,20,22 60:25 61:11 67:8 67:19 68:3,12,16 70:13 81:23 85:24 86:25 92:22,23,24 93:10,13 95:14,18 95:19 98:7,10,14,18 100:18 105:7 106:6 107:3,5,8,12,15 111:22 121:21 122:2,5 139:3,10,19 140:9,14 141:23 painkillers (11) 68:17 69:21,23,25 86:9,11,15 87:3,22

91:20 97:11 pains (1) 61:24 palpably (4) 43:21 115:23 116:2,8 paper (1) 75:25 paperwork (1) 66:1 paraphrasing (1) 37:25 Park (1) 110:11 Parkway (1) 2:4 part (7) 12:20 19:23 69:10,16 105:18 138:14 139:4 particular (2) 12:24 139:9 particularly (1) 20:5 parties (2) 3:4 156:12 partner (1) 56:15 parts (2) 67:14 95:19 party (1) 132:20 part-time (1) 10:13 passed (2) 26:20 65:19 passing (2) 59:1 62:8 PAUL (2) 1:8 2:10 pay (9) 102:10 119:14,24 121:7 124:6 126:13 127:22 147:21 152:25 paying (4) 121:4 153:2,5,11 peering (2)	78:9,20 people (13) 15:24 25:16 27:23 43:10 47:2,4 116:18 120:9,11 129:2 130:12,18,21 percent (1) 151:20 period (15) 11:9 81:1 90:1 92:14 92:18 93:6 97:25 99:15,24 110:8 117:25 137:16 144:10,12 154:5 perjury (1) 45:1 permit (1) 101:22 person (3) 20:17,17 117:1 phone (6) 7:2 21:23 37:22 63:2 85:4,5 photographed (1) 64:15 photographs (1) 107:23 physical (11) 44:14 45:9,25 81:18 94:4 106:7,8 107:6 108:4,7 124:21 physically (2) 46:21,22 picked (2) 55:19 58:10 pictures (1) 134:5 piece (1) 75:25 pills (1) 70:2 place (6) 4:9 8:11,12 14:15 105:9 130:2 placed (1) 135:15 Plaintiff (3)	1:3,16 2:3 plan (1) 11:21 planning (2) 16:7 124:8 play (4) 122:15 140:19 141:1 141:4 played (2) 140:21 141:6 playing (3) 14:20 140:25 141:10 Plaza (1) 130:1 plea (3) 73:8,10,12 plead (1) 145:7 please (10) 4:6,15 6:1,12 15:2 21:1 62:18 75:23 118:22 132:12 Plywood (1) 12:18 pocket (1) 121:4 point (22) 6:20 16:16 19:21 21:14 22:7 23:9 26:17 31:12,15 42:22 44:2 48:5 56:2 61:2 75:4 84:16,17 104:5 108:1 111:2 139:19 140:6 police (79) 1:7,8,8 2:9,10,10 18:17,18 20:12 26:17,21 28:4,9,16 29:4 31:1,8,19 32:3 33:22 34:14 35:9 35:16 36:2,22 38:21 39:7 40:5,22 40:25 41:6 42:15 42:23 44:1,15,18,20 44:22 45:10,17,20 45:25 47:19 48:2	50:18 52:1,4,18 56:13 59:2,20 61:2 61:4 64:5,13 65:5 67:17 71:17 76:11 85:6,12,22 123:4,7 124:1 129:20 130:1 136:5 137:7 138:22 143:6,8,10,25 144:3 145:12,23 153:24 154:2 popping (1) 36:20 position (1) 58:21 possession (2) 118:25 119:3 possible (5) 6:6 108:23 137:20 138:7,12 possibly (1) 43:24 post (1) 134:5 Postal (6) 10:9 11:7,12 12:8 13:5 127:12 pounds (2) 7:17,19 practice (3) 91:1 110:11 114:15 practitioner (3) 80:5,16 81:9 precinct (10) 16:22 40:6 61:7 63:3 64:15 65:13 66:2,5 66:7 71:19 preparation (1) 7:6 prepare (1) 6:23 prescribe (1) 86:11 prescription (5) 70:5,7,9 86:9,13 present (2) 7:3 22:15 pressure (2)
---	---	--	---

<p>66:25 67:2 pretty (6) 4:24 34:18 38:19 58:1 108:13 109:2 previously (2) 109:8 151:1 pride (1) 67:23 primary (2) 138:22 139:2 prior (24) 14:17 16:11 22:15 34:20 35:2 95:13 95:24 96:21 97:17 98:6,9 109:13 110:2 113:16 114:19,24 115:6 122:2,5 131:5,7,22 150:6,11 prison (1) 143:22 private (2) 89:12,24 privilege (2) 53:18 115:1 privileged (1) 53:17 probably (13) 66:25 71:2 73:21 82:5 97:18 105:11 109:5 116:21,22 120:1 125:17 126:9 139:22 probation (5) 136:16 144:6,23,25 145:8 problem (3) 20:23 21:21 31:11 problems (8) 4:21 34:1,10,15,21 35:3 45:13 96:12 Procedure (1) 1:18 proceeded (3) 23:20 66:18 75:11 promised (1) 65:3</p>	<p>properly (1) 35:7 property (1) 62:22 protect (1) 129:6 protection (10) 135:11,14,15,21 137:11,19 138:1 153:14,16 155:17 protections (1) 138:6 protective (2) 37:8,16 provide (2) 137:25 149:13 provider (1) 127:4 providers (3) 113:9,17 150:25 psychological (1) 122:23 PTSD (2) 148:23 149:25 Public (4) 1:21 4:2 154:24 156:6 pull (1) 122:1 pulled (2) 48:1 123:22 Pumpkin (4) 7:24 8:1,5,8 punched (2) 38:19 47:22 punching (1) 47:8 purpose (1) 6:8 pursuant (1) 1:17 push (1) 44:18 put (10) 48:8,14 56:5,6 60:18 61:2,9 64:1 108:9 144:3</p>	<p>putting (2) 45:16,19 P.M (2) 107:17 154:17</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>question (22) 3:7 6:16,18 13:25 21:1,2 43:25 44:4 45:18 46:11,12 53:19 57:23 74:25 75:21 100:10 106:22 116:11 118:22 132:13 135:5 155:14 questions (16) 5:25 6:3,11 43:22 115:1 116:6,14 120:10,11 150:3,18 150:20,23 154:13 154:15 155:13 quick (1) 46:2 quite (17) 40:1 48:22 54:20 57:14 76:9 84:23 85:11 88:18 89:16 113:23 118:10 137:17 142:23 145:9 149:22 150:18 151:12</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>R (4) 2:1 4:1,1 156:1 radios (1) 43:7 ran (1) 39:1 reached (1) 130:12 reaction (5) 57:20,24 64:10 73:1 73:4 read (9) 46:13 48:10 74:9,9 75:1,24 76:2</p>	<p>132:12,14 ready (1) 129:1 real (4) 46:2 62:20 74:5,7 realigns (2) 104:8 108:10 realize (1) 126:20 really (8) 38:8 43:5 75:4 121:25 126:22,23 134:4 154:15 reason (19) 5:15 10:2 25:17 35:25 36:23 37:20 43:25 46:5,17,20 92:11 119:22 128:16 138:12 147:8,9,10,13,14 recall (16) 16:13 18:21 19:4 70:14,17 94:15 112:23 120:2 139:8 141:10 144:16 145:11,14 146:13 153:24 154:2 recalling (1) 114:6 received (1) 148:22 recognizance (2) 72:17 137:9 recommend (4) 101:23 103:11 112:4 112:7 recommended (4) 80:7 88:6 106:13,18 record (19) 4:6 32:11 54:4,7 75:18 76:23 107:19 131:25 132:3 138:17,20 142:6,9 148:9,12 152:2,5 154:14 156:10 records (4) 91:4 118:24 150:25</p>
--	--	--	--

155:10 refer (1) 99:6 referenced (1) 150:25 referencing (1) 105:23 referred (4) 46:12 96:3 102:15 132:13 referring (1) 129:14 refers (1) 8:5 refills (1) 87:4 refuse (3) 64:21,23 65:7 refused (2) 65:9,16 regular (3) 10:15 104:12 125:1 regularly (2) 109:1 134:1 related (5) 115:1,2 119:7,9 156:11 relation (1) 137:21 relationship (4) 79:2,3,6 120:24 release (1) 73:13 released (5) 72:17 130:4 137:8 144:19,20 relevance (3) 116:1 138:7,13 remember (60) 13:18 16:10 17:9,25 48:22 49:14 68:10 74:22 75:1,3 76:9 77:8,11 81:11,17 82:16 85:4,11 86:18 88:21 89:14 90:9,21 91:19 92:13 94:22 97:19	98:4 103:3 113:23 114:10 116:25 117:25 118:10,11 118:14,17,20 137:17 141:8 142:22,23,24 143:7 143:8,11 144:1,13 145:9,22 146:18 147:4,19,20 150:18 151:12 152:13,15 152:24 154:5 remembered (1) 89:25 repeat (2) 21:2 46:11 rephrase (1) 6:1 reporter (4) 6:8,13 46:13 132:14 reporting (1) 150:15 represented (3) 72:11 130:23 131:2 REQUESTED (1) 155:8 reserved (1) 3:7 reside (1) 4:8 resisting (4) 42:3 72:22 73:3 148:6 resolution (1) 145:8 resolved (1) 75:8 respect (15) 12:23 53:16 54:2,10 54:14 55:5,7 97:24 125:7 129:21 131:15,24 138:23 150:14 151:3 respective (1) 3:4 response (5) 38:6 40:14 46:18,19 62:19	responses (1) 6:11 rest (1) 153:17 result (12) 38:5 44:8 117:16,19 118:6 121:5,11 122:24 137:4 148:1 151:4 152:11 resulted (1) 134:15 results (8) 68:19 69:12,18 94:18 95:5 102:16,22 116:22 review (1) 7:6 right (42) 6:21 22:3 23:4 26:18 29:19 30:22 32:12 36:3 40:23 43:23 44:24 46:4,6 47:12 59:3,12 63:11 69:14 70:20 75:9 85:19 90:3 93:4 95:9,25 100:25 105:21 107:21 108:5 109:14 112:15 120:19 125:22 131:8 139:9 143:20 145:12,13 146:16 147:15 151:9,15 rights (2) 43:9 48:10 Rikers (3) 143:21 144:6,16 ring (2) 105:12,16 room (8) 19:23 23:3,4,5 52:14 52:19 58:8 86:7 rooms (1) 22:4 ROR (1) 72:17 roughly (3)	92:13 105:15 110:8 routine (1) 98:20 rules (2) 1:18 5:25 ruling (7) 43:24 115:25 116:4,5 137:24 138:15 151:2 RULINGS (1) 155:13 run (1) 47:2 running (1) 47:4 <hr/> S <hr/> S (7) 1:8 2:1,10 3:1,1 4:1 80:1 sacrifice (1) 127:22 salary (4) 13:4,9 127:11,14 salt (1) 87:24 satisfied (1) 125:6 Saturday (1) 11:1 Saturdays (1) 11:3 saw (29) 19:19 28:16 36:2,19 36:20,21 59:1 72:7 81:15 88:15 93:19 95:24 97:1,3 98:19 98:24 99:10,18 100:14,16 104:2,2 106:23 109:17 111:21 112:13 114:17 118:19 119:24 saying (4) 48:17,21 78:21 92:15 scale (1) 141:22
--	--	--	--

scan (5) 68:5 69:14 94:23 101:24 112:5 scans (4) 94:16 95:1 96:9 103:7 scene (1) 51:15 schedule (3) 98:22 101:22,22 school (1) 10:4 scrapes (1) 132:5 screened (1) 148:23 screening (2) 149:1,25 sealing (1) 3:5 search (1) 38:12 searching (1) 5:3 seat (2) 56:5,7 second (6) 56:4 62:3 77:7,12 126:8 143:24 seconds (6) 7:2 32:20 46:2,3 58:10,23 see (43) 28:15 29:3 30:18 36:5 43:24 51:2,5 52:25 64:22 65:12 68:9 74:24 79:21 80:6,15 81:13 82:23 85:19 88:10 91:7,9 93:14 97:4,6 97:9 99:3,11,24 100:12,12 101:14 101:17 107:7,9 111:2 116:1 121:8 123:3 125:21 126:24 131:1 137:22 138:12	seeing (7) 16:13 19:4 80:2 97:24 98:21 101:19 104:7 seen (13) 98:15 103:15,18 105:6 109:13 110:1 113:24 124:13 125:18,25 127:1,4,8 sees (1) 81:18 semester (1) 10:1 send (1) 102:19 sending (1) 150:1 Senior (1) 11:21 sense (1) 6:14 sent (4) 64:8,9 102:17 149:24 sentence (2) 136:15 144:22 sergeant (6) 42:21 51:19 61:21 62:1 64:25 66:11 serious (3) 43:8 114:20 115:6 served (1) 80:24 service (7) 10:9 11:7,13 12:9 13:5 127:12 129:8 sessions (1) 94:10 set (6) 68:18 102:23 103:1 104:12 156:9,15 setting (1) 5:21 settle (1) 117:20 Seventeen (1) 9:3 sexual (1)	74:12 shaken (1) 123:21 Shantasia (2) 77:24 78:17 shape (2) 86:1 101:5 sharp (1) 61:24 Sheetrock (1) 12:18 shell (1) 81:20 Shield (5) 1:7,8 2:9,10 119:18 shift (1) 10:15 shirt (1) 31:6 shock (1) 101:12 shocked (1) 81:20 shoes (2) 58:24 59:1 shook (1) 56:3 short (1) 28:22 shots (1) 59:18 shoulder (6) 95:21 105:24 106:3 113:11 115:9 139:9 shoulders (2) 67:22 139:7 shove (1) 44:20 show (1) 30:21 sick (2) 127:19,21 side (4) 47:22 59:6 60:12,23 sides (2) 59:10,11 signed (2)	3:10,12 Simple (1) 122:1 sir (10) 13:17 16:17 45:11 52:13 66:12,17 93:8 113:1 119:4 147:6 sister (12) 14:24 16:12,20 20:11 22:17 28:3 57:8 63:6,7,19 74:19 76:5 sister's (2) 14:25 21:5 sit (2) 87:23 111:21 sitting (1) 58:12 six (19) 12:2 39:5,9 41:9 91:8 92:1 103:20 120:1 128:12,14 131:12 131:18,21 134:8 142:1,5,11 151:8 152:9 Sixteen (1) 33:6 skip (1) 82:19 slap (1) 44:22 sleep (5) 4:25 5:4 121:24 122:3,13 sleeping (1) 86:2 slept (1) 5:5 slight (1) 19:15 slim (1) 20:17 Slope (1) 110:11 slow (3) 25:8,10 57:15
---	---	--	--

small (3) 47:3,11 58:17 smart (1) 121:24 soak (1) 87:23 social (2) 133:22,24 soft (2) 120:3 139:11 somebody (7) 33:13 51:14 90:12 103:2 125:12 149:4 149:21 somewhat (2) 5:20 112:3 son (2) 8:16 118:3 soon (7) 41:18,20 60:20 61:19 63:24 65:13 79:20 sorry (12) 9:12 15:9 20:25 22:14 28:8 45:14 56:16 68:7 80:18 135:12 140:12,13 sort (4) 8:2 13:2 109:1 112:5 sounds (1) 43:11 space (1) 47:3 spaces (1) 12:8 span (2) 93:22 96:24 speak (10) 7:1 24:17 25:24 32:14 49:25 57:5 83:21 114:15 124:20 130:13 speaking (3) 16:10 22:25 24:22 specific (8) 23:24 34:25 68:14 75:13 92:17 95:12 108:19 126:12	specifically (14) 25:15 56:20 57:13,18 67:4 74:22 83:10 100:22,24 107:14 108:8 139:4 149:10 149:12 specify (3) 67:14 111:18 120:14 spell (6) 8:19 9:19 15:2,8 79:25 83:19 spent (2) 82:25 121:3 spine (4) 104:9 108:10 112:24 113:6 spoke (14) 7:4 16:12 26:1 30:10 30:11 31:8,24 49:1 63:10 83:14,24 125:21 129:18 149:23 spoken (3) 130:10,19 131:1 sport (1) 140:21 sports (4) 140:19,25 141:1,4 spot (1) 5:4 SS (1) 156:3 standing (5) 31:12,17 35:12 36:15 41:11 start (2) 34:3,10 started (13) 38:16 46:21,22 47:6 55:17 86:10 87:5 93:13 95:16 123:17 123:21 124:20,23 starting (1) 61:24 starts (1) 88:5 state (7) 1:21 4:2,6,16 53:18 156:3,7 statement (11) 74:16,18,20,23 75:1 75:16,17,24 76:2,4 76:8 statements (2) 75:22 76:23 States (7) 1:1 10:9 11:6,12 12:8 13:4 127:12 stationhouse (1) 61:19 stay (3) 22:18 26:24 81:23 staying (1) 22:18 stenosis (1) 113:3 stepping (1) 60:24 steps (3) 29:6 33:1,2 stick (2) 110:2 125:8 stimulation (1) 108:9 STIPULATED (3) 3:3,6,9 stomach (2) 59:16 122:13 stood (1) 60:20 stop (13) 32:5 39:17 86:24,25 87:4 92:2,4 98:21 101:19 120:8 123:12 124:10 126:17 stopped (7) 40:1 87:21 92:3 95:11,11 124:18 126:16 stopping (1) 45:21 store (1) 17:24	Street (4) 1:19 2:11 10:12 12:25 stretch (1) 108:18 stretchers (1) 27:7 stretches (7) 108:18,19,24 109:4,7 109:16,19 stuck (1) 124:9 stuff (4) 16:14 25:6 86:7 120:2 subject (1) 13:16 Subscribed (1) 154:21 subsequent (1) 75:20 subsided (1) 34:17 substance (3) 18:7 75:6 76:10 suffer (3) 86:22 117:11 122:23 suggest (4) 23:20,22 71:7 128:20 suggested (3) 23:25 24:9 125:12 suggesting (1) 116:17 suite (1) 32:9 summer (2) 141:9,10 Sundays (2) 11:1,4 super (1) 42:21 supervise (1) 11:24 supervising (1) 12:1 supervision (1) 12:5
--	---	--

supervisor (2) 83:14,15	T	18:22 19:5	2:12 4:5,13 16:1
support (1) 135:17	T (5) 3:1,1 4:1 156:1,1	tell (42) 16:21 25:15 26:14,15	30:23 32:5,11
suppose (1) 90:25	take (28) 6:13,20 17:2,4 24:14	28:4 39:20 42:21	43:18,20 46:11
supposed (3) 77:13 102:3 108:21	32:5 60:21 61:6	48:2 57:7,17 63:18	53:21,24 54:4,7
sure (22) 15:5,9,16 26:2 27:8	70:3 71:18 76:22	68:11,15,21 70:3	79:16,19 94:20
54:22,24 60:15	79:16 86:15,16,19	71:20 82:9,11,13	107:16,19 116:4,10
70:10 75:5 79:19	87:2,12,16,20,24,25	83:1,21 84:1 85:14	116:15,21 119:9
82:24 84:22 91:25	88:2,3,4 91:18 96:9	85:20 92:4 93:15	131:21,25 132:3,12
134:19 135:22	107:16 127:16	98:21 99:20 100:17	137:22 138:3,9,14
143:17,19 149:22	taken (11) 1:17 65:20 66:23	100:20 102:22	138:17,20 142:6,9
153:4,20,22	68:1 97:16,21	111:20 112:14	142:17 148:9,12
surgery (3) 106:10,13,19	107:18,23 120:18	113:8,16 115:19	149:17,19 150:22
surprised (2) 30:3,5	123:24 141:13	126:10 128:20	151:25 152:2,7
suspected (1) 46:6	Taletta (6) 8:18 22:21 24:17	130:5 146:15	154:12 155:4
suspended (4) 146:9 152:19 153:7	25:24 27:18 57:6	147:10 152:14	Thank (3) 32:7 66:17 154:16
153:10	talk (13) 20:20 25:21 49:4,15	telling (12) 45:5,7 68:20 70:14	therapist (7) 124:20 125:22,24
sustain (2) 90:15 137:4	49:17 61:15 63:7	70:17 103:3 143:4	126:4,21 127:1,9
sustained (4) 91:10 117:8 121:11	63:15 126:1,4	146:3,5,11 147:8,14	therapists (1) 124:13
148:4	131:18 142:16	ten (12) 51:21 61:17 96:23	therapy (22) 86:6,10 88:7,9 94:2,3
sweep (1) 141:21	149:21	104:21 124:3	94:4,5,8 95:8 96:18
swelling (2) 68:22 69:13	talked (8) 25:22 26:3 48:23,25	141:22,24 142:3,5	99:1 102:18,24,25
Switzer (22) 71:14 79:24 81:13	49:23 115:12	154:8,9,10	103:4 106:7,8
82:23 85:20 88:6	124:14 145:10	term (1) 113:2	108:4,7,10 114:1
98:24 99:10 102:14	talking (11) 14:20 25:12 37:11	terms (1) 135:20	Thetta (1) 83:18
103:16,18 105:4,6	40:2 48:16 53:6	terrible (1) 100:23	thing (11) 12:5 38:16 42:12
106:24 107:7,9,11	55:10 67:18 76:1	testified (6) 4:3 75:24 132:25	46:14,15 53:23
112:13 113:12,19	87:1 94:19	133:11 148:16	96:17 99:14 101:12
114:4 128:20	talks (1) 28:3	151:7	110:23 147:5
sworn (5) 3:10,12 4:2 154:21	taller (1) 30:17	testify (6) 5:15 53:14 75:22	things (15) 15:25 35:7 48:21
156:9	Tanya (2) 63:12,13	76:25 136:17,19	53:4 56:25 96:18
system (2) 83:7,13	tasks (2) 11:19 12:7	testifying (1) 5:22	101:13 103:22
	Technical (1) 9:24	testimony (2) 5:21 156:10	108:15,17 121:12
	technician (1) 18:25	testing (1) 112:5	121:25 122:1,6
	technicians (2)	tests (1) 68:19	125:5
		Thadani (47)	think (18) 26:1 27:7 43:13

134:20 140:23 150:1 151:17,20 thinking (3) 37:3 100:10 140:25 thinks (1) 43:23 third (4) 24:1 62:14,15 145:14 thirty (1) 46:3 Thompson (13) 1:2,16 2:3 4:7,17 7:21 8:9 63:12,13 66:11,13 148:16 154:20 thought (13) 21:24 30:6 41:18 43:9 45:16,19 46:10 94:14 98:8 100:8 102:9 123:22 124:18 thoughts (1) 128:24 thousand (1) 119:13 threaten (1) 42:15 three (14) 9:9 28:21 72:9 77:10 77:14 80:3,25 88:2 88:3 96:5 98:17 147:3 152:23 153:21 three-bedroom (1) 22:5 threw (4) 38:18 39:2 47:23 60:6 throat (1) 47:23 throw (2) 74:3 122:17 ticket (8) 123:9,10 124:4,6 152:25 153:3,5,11 tight (4) 50:12 55:4,13 96:7	time (165) 1:13 3:8 8:4 10:22 11:9 12:25 14:8,22 17:7,9,19,21,22 18:2,2,10,12 19:13 19:22 21:14 22:15 23:1 24:3,6,14 26:20,20,21 28:2 32:8 34:5,6,17,20 36:23 39:20 41:12 41:13 42:7 43:2 49:21 53:9 54:16 55:8,11,18 56:2,4 57:22 58:9 60:5 61:15,18 62:3,14,15 62:15 63:23,25 65:19,20 69:7,8 71:13,25 72:6,7,23 73:20 81:1,15 82:6 84:16,19,22 86:2 87:13,18,21,24 88:13,14,15,19 89:7 89:9,22 90:1,17 91:18 92:6,14,18 93:1,12,22 95:8 96:24,25 97:1,3,10 97:14,16,19,21,25 98:6,10,12,19 99:10 99:14,15,24 100:14 100:16 102:2,3,11 104:5 106:23 109:3 109:11 110:8 111:2 112:4,13 113:9 114:9,17,22,24 117:6,25 120:21 122:18 126:8 127:8 127:17,21,24,25 128:3 130:21 131:19,20 134:6 136:17 137:16 139:22 140:4,15,21 141:6 144:7,9,10,12 144:22 145:21 150:22 151:14 154:3,5 times (49) 49:23 53:13 54:13	55:3,15,17 61:13,16 64:17,23 65:5,9 67:14 73:17,19 83:12 88:2,3 89:15 96:21,23 99:19 105:6,8 118:8 125:21 126:3 128:5 131:11,13,18,22 134:14 137:18 142:11,13 147:23 149:1 151:13 152:9 152:11,21,23 153:6 153:15,17,18,19 155:16 tip (2) 49:11 59:8 tired (1) 100:5 tissue (1) 101:13 title (2) 11:17 81:3 today (11) 4:13 5:16,22 6:24 7:9 75:8 133:16 141:25 142:1 150:4 151:1 today's (1) 7:7 told (39) 16:20 25:13 27:23 36:22 46:5 49:10 56:24 57:8,11 63:17 64:5,13 65:2 67:8,19 68:16 71:11 75:15 77:1,1 84:8 85:21,21 86:8 99:1,8 100:21,25 101:4 103:2 108:17 111:22 112:16 113:5,7 129:13,14 131:1,4 tole (1) 112:17 Toleta's (1) 76:5 top (2) 59:23 106:3	total (5) 28:21 39:8 41:6 121:13 128:14 totally (3) 37:7,9 111:17 touch (2) 45:15,17 traffic (3) 123:12 124:9,10 train (1) 73:16 transcript (1) 150:8 traveling (1) 81:8 treated (5) 55:5,7,9 130:6 151:7 treatment (20) 94:1 96:16 98:2 101:10,11 103:24 104:8 105:20 106:5 110:22 115:2 118:20 121:4 125:13,25 132:7,16 140:8 149:10,13 trespass (2) 134:25 136:3 trespassing (1) 135:6 trial (7) 3:8 136:8,9,11,13,17 136:19 tried (7) 39:1 46:24 60:6 65:7 108:18 139:18,20 true (2) 37:13 156:10 truth (2) 45:5,7 truthfully (1) 5:16 try (18) 38:21 42:13 44:4 45:18 47:1,13 60:4 65:5 76:25 96:19 99:22 111:6 125:5 125:11 126:13
--	--	---	---

129:24 140:7 151:18 trying (1) 47:24 tub (1) 87:23 Tuesday (1) 104:11 Tuesdays (2) 10:24 11:2 turn (2) 123:11 124:10 twelve (2) 68:7 96:23 Twenty (2) 51:24 52:22 Twenty-something... 49:20 Twenty-two (1) 8:14 twice (13) 88:1,1 93:21 94:9 101:16,17,19 104:13,14 126:5 149:2 152:22 153:11 Twitter (1) 134:9 two (66) 6:7 8:22,25 9:2,6 20:11 27:2 28:18 29:24,25 32:23 33:1,1,2 35:1,2,13 35:13,14,14 36:2 39:10,25 40:25 41:8 50:14 52:3,16 52:18 55:17 61:5 63:4 73:19 78:15 79:22 81:19 82:22 82:24 84:8,9,12 85:8 86:17 87:3 93:24 97:3 104:4 112:20 116:6 123:15 126:9 128:2 128:3,5,6,9,10,13 136:16 144:2 145:10 147:2,3	151:1 153:19,21 two-and-a-half (2) 72:9 142:14 Tylenol (2) 87:9,16 type (1) 69:15 types (1) 109:7 T-A-L-E-T-A (1) 8:20 T-H-E-T-T-A (1) 83:20 T-shirt (1) 37:12 <hr/> U <hr/> U (1) 3:1 uh-huh (1) 6:12 uh-uh (1) 6:12 Underhill (1) 8:12 understand (8) 5:23,25 6:15 100:4 135:5,23 138:11 147:6 understanding (3) 19:2 76:19 77:19 understood (2) 6:4 150:3 underwear (1) 37:12 uniform (7) 21:8,10 30:19,24,25 31:1,3 Union (1) 110:11 unit (5) 20:1 24:7 26:25 29:10 32:25 United (7) 1:1 10:9 11:6,12 12:8 13:4 127:12 units (1)	33:5 upset (1) 58:2 use (7) 35:7 127:16,19 134:1 134:3 139:12,18 usual (1) 124:23 usually (4) 4:21 28:3 99:24 104:15 <hr/> V <hr/> VA (22) 80:17 89:2,8,11,17 90:2 95:7 113:22 124:17,18,25 125:2 125:4,6,10,24 126:3 127:9 148:17,20,22 149:20 vacation (6) 82:6,7 127:16,22,24 141:13 Various (1) 103:22 vary (1) 105:2 verbal (1) 6:11 veteran (2) 80:20 114:5 veterans (9) 80:19 89:4,23 92:7 93:17 94:20,22 110:6 150:1 violated (2) 126:13,14 violating (3) 145:7 153:13,15 violation (3) 144:23,24 153:13 visit (4) 13:23 17:5 110:16 112:10 visited (2) 93:23 112:12 visiting (1)	33:10 visits (1) 93:24 voice (1) 6:6 voluntarily (1) 57:11 <hr/> W <hr/> W (1) 2:7 Waist (1) 59:13 wait (3) 6:16 81:19 93:12 waiting (2) 51:14,19 waived (2) 3:5 154:14 walk (5) 16:23 27:24 100:4 104:17 114:15 walked (1) 24:11 walking (1) 104:16 wall (1) 58:18 wallet (1) 62:25 walls (1) 12:12 want (14) 5:24 6:20 43:24 76:23 79:10 116:16 121:1 130:5 143:17 150:6,11,15,16,23 wanted (14) 42:21,24 43:3 44:13 75:14 81:23 96:11 96:13 102:11,12 111:6 126:18 129:23,25 wants (2) 44:3,5 warm (1) 141:9
---	--	--	---

warning (1) 44:2	25:21,24 47:7 50:22 52:18 58:22 64:4,12 71:25 72:12 82:23 85:19 89:22 90:9,20 92:6 92:24 93:1,7,9,14 95:7 99:3,9 102:21 105:17 110:9,21 111:16 113:9,17 114:3,8,12 116:7 118:17 120:22 125:2 130:1 132:9 135:17 136:8 140:8 148:17 149:20	10:8,11,19,23 11:3,9 12:19,25 28:25 81:24 82:1,3,9,11 82:14,17,19 83:1 84:5 85:12 91:3 104:17 119:19 120:16,19,22 121:1 128:16,21	69:10 X-rays (6) 68:5 86:8 94:15 95:1 96:9 103:7
warrant (2) 38:12 153:4			<hr/> Y <hr/>
Washington (1) 8:12			Y (1) 4:1
watching (1) 52:1			yeah (2) 72:18 118:19
Watson (9) 8:18,21,23 9:13 15:1 15:10,12,17 78:23		worked (5) 10:25,25 11:6 112:14 112:15	year (16) 13:7 14:4 15:14,14 15:15,15 79:4 81:17 90:9 101:20 136:1 142:4,20,23 144:12 150:2
waves (1) 47:6		workers (19) 20:11,15 22:25 23:9 24:7 25:11 26:21 27:2 29:23 33:19 36:3,15 37:6,13 41:10 50:21 51:2 52:18 66:4	years (35) 8:14,22,24 9:3 12:2 34:24 35:1,2 49:20 54:18 78:24,25 79:1 80:3,25 81:1 88:16,17,22 96:5 97:23 102:8,13,14 116:3 134:8,8 136:16 142:18,21 142:24 151:8 154:8 154:9,10
way (16) 29:5 30:15 39:24 46:22 47:18 50:20 51:23 52:24 90:23 91:3 102:7 110:25 114:11 122:17 153:20 156:13	West (3) 10:12 12:24 13:2	working (6) 16:24 60:7 99:16 103:25 109:12 110:25	yesterday (1) 100:11
wear (4) 70:22 71:3 120:16 121:1	whatsoever (1) 53:25	worried (1) 61:25	York (21) 1:1,7,19,20,20,21 2:4 2:8,9,11,11 4:3,10 4:14 9:24 10:12,12 53:17 133:19 156:3 156:7
wearing (3) 21:10 31:3 120:8	WHEREOF (1) 156:15	worse (2) 60:25 140:17	young (1) 99:21
Wednesday (1) 16:24	wife (1) 118:7	wrap (3) 139:20,25 140:7	younger (1) 118:21
week (17) 13:22 17:8 87:25 88:1,2,3 91:15,16 100:15 101:16,17 101:19 104:3,4,13 104:14,15	willing (1) 138:10	write (1) 124:4	youngest (1) 8:16
weekday (1) 14:7	win (1) 47:17	written (1) 76:4	y'all (8) 23:17 40:8,9,11 41:24,24,25 42:3
weekends (3) 10:19,23,25	wish (1) 57:22	wrong (8) 21:25 37:4 40:8 46:8 57:15 84:15 108:4 130:2	<hr/> Z <hr/>
weeks (21) 77:10,14 84:8,9,12 85:8 103:20 104:4 111:5 123:15 126:9 128:2,3,5,6,7,9,12 128:12,13,14	witness (21) 4:1 8:1 15:7 32:9 43:22 77:2 78:6 105:25 116:20 118:23 123:19 132:23 133:9 146:9 147:11,15 152:17 154:18 156:8,10,15	wrote (1) 74:18	Zacharia (1)
weekday (1) 14:7	woman (2) 151:7,13	W-A-T-S-O-N (1) 8:20	
weekends (3) 10:19,23,25	wondering (1) 53:3	<hr/> X <hr/>	
weeks (21) 77:10,14 84:8,9,12 85:8 103:20 104:4 111:5 123:15 126:9 128:2,3,5,6,7,9,12 128:12,13,14	wore (3) 120:3,6 139:11	X (3) 1:2,10 155:1	
weight (3) 5:22 7:16,18	work (29)	X-ray (2) 68:18 112:5	
went (50) 7:3 17:9,18,24 25:12		X-rayed (1)	

9:2	1	34:14	29:14,15,16,17 52:2
ZACHARY (1)	1-10 (2)	150 (1)	116:3 154:22
2:7	1:8 2:10	155:10	2000 (8)
Zelman (98)	1:00 (1)	151 (2)	90:4 92:15,16 94:19
2:2,5 7:25 13:25 15:5	17:11	155:5,10	97:18 134:19,20
15:24 16:3,25 21:1	1:25 (1)	152 (1)	143:2
24:23 28:6 30:14	107:17	155:4	2000s (1)
30:21 32:7 34:22	10:00 (4)	16th (1)	92:15
35:4 38:24 40:21	18:16,16 65:24,25	156:16	2000-something (1)
41:13 42:18 43:16	10:15 (1)	160647 (1)	142:25
43:19,21 44:4,7,11	14:10	2:13	2009 (1)
44:16 45:3,12,18	10:30 (1)	17 (1)	151:11
46:9 47:15,21 48:9	14:10	9:2	2010 (1)
53:14,23 54:1,9	10:59 (1)	18 (2)	151:11
60:15 75:18 76:25	1:13	9:11 155:16	2011 (1)
79:17 85:18 94:19	100 (2)	180 (1)	151:11
98:11 105:23 106:1	1:19 2:11	7:19	2012 (2)
106:21 114:22,25	10007 (2)	185 (2)	105:15,16
115:22,25 116:5,13	1:20 2:11	7:17,19	2013 (2)
116:16,23 117:17	11:00 (1)	19 (3)	141:11,12
118:15,22 119:7	65:25	9:11 78:2,3	2014 (25)
121:18 122:7	11225 (1)	1972 (1)	7:18 13:9 14:5 15:21
123:18,20 130:24	2:4	7:13	34:16,20 35:3
131:15,20,23	11238 (1)	1994 (1)	67:21 96:23 97:20
132:22,24 134:16	4:10	11:8	97:22 122:11 129:9
134:23 135:4,8	115 (1)	1995 (1)	130:11 131:6,14
137:20,24 138:5,10	155:15	118:2	132:5 138:22 141:2
138:16,25 142:19	12 (2)	1996 (8)	141:7,14 142:11
143:16 146:6,11,15	9:12 68:7	89:9,20 94:25 102:7	149:11,21 152:8
146:21 147:6,14	13 (1)	113:24 114:6 116:1	2015 (2)
148:15 149:16	9:12	118:1	148:17,21
150:8 151:6,24	137 (1)	1996-1997 (1)	2015-003074 (1)
152:1,5,18 154:14	155:16	90:6	2:12
155:5	14-CV-7349 (1)	1997 (6)	2016 (2)
	1:5	89:10 94:25 102:7	1:12 156:16
\$	148 (1)	113:25 114:6 118:1	21 (1)
\$10,000 (1)	155:5	1998 (1)	155:15
117:19	149 (1)	118:4	24 (2)
\$300 (1)	155:4		5:12 18:7
121:15	15 (11)	2	25 (1)
\$65,000 (2)	15:21 34:16,19 35:3	2E (2)	29:16
13:6,7	68:8 129:8 130:11	4:9 8:12	28472 (2)
	131:6,14 132:4	2H (2)	1:7 2:9
#	138:21	29:11,12	29 (1)
#10580 (2)	15th (5)	2:30 (1)	1:12
1:8 2:10	14:1,2 16:19,24	17:16	
		20 (7)	3

3:59 (1) 154:17	138:2,6		
30 (6) 7:13 94:11 105:1,2,3 120:7	91 (1) 81:2		
30-something (1) 82:5	911 (5) 26:9 27:10 57:1,21 57:25		
33rd (3) 10:12 12:24 13:2	94 (2) 81:2 143:2		
339 (3) 4:9 8:11 14:15	96 (1) 93:4		
380 (1) 10:12	97 (2) 93:4 118:2		
399 (1) 8:11	99 (23) 44:13 46:23 50:18 64:14 71:11 96:18 108:14,17,19 109:1 114:14 121:25 122:9,10 125:5 129:4,15 138:3 140:3 143:3,5 150:17 154:2		
<hr/> 4 <hr/>			
4 (1) 155:4			
4th (1) 1:19			
4:00 (3) 17:20,21 18:2			
4:30 (2) 10:16 11:3			
<hr/> 5 <hr/>			
5th (2) 91:5,6			
5-7 (1) 7:15			
<hr/> 6 <hr/>			
612 (1) 2:4			
<hr/> 7 <hr/>			
7th (1) 110:12			
77th (2) 61:7 71:19			
<hr/> 8 <hr/>			
8:00 (2) 10:16 11:3			
<hr/> 9 <hr/>			
90s (2)			